

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **18 DECEMBER, 2019**

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:

2019/0022/PO	AC	11, Lydstep Crescent, Cardiff	Loft conversion with rear elevation dormer
2019/0302/BR	AC	Penllyn Estate Llwynhelig, Cowbridge	New build farm shop and cafe
2019/0412/BN	A	43, Tan Y Fron, Barry	PVC window replacement and doors. Single storey side and rear extension and some internal alterations - 1 structural wall
2019/0628/BN	A	8, Nyth Yr Eos, Rhoose	Garage conversion and removal of walls between lounge and dining room. Bi fold doors and French doors on ground and first floor and balcony to first floor
2019/0781/BN	A	48, Broadway, Llanblethian, Cowbridge	Proposed single storey extension and internal alterations
2019/0804/BN	A	9, Gadlys Road East, Barry	Single storey kitchen extension
2019/0861/BN	A	170, Jenner Road, Barry	Single storey extension to rear, convert garage to utility room
2019/0920/BN	A	20, Lewis Road, Llandough	Loft conversion

2019/0945/BN	A	27, Port Road East, Barry	Proposed single storey rear extension and internal alterations
2019/0952/BN	A	The Oaks, St. Owains Crescent, Ystradowen	Replacement conservatory roof with warm roof.
2019/0953/BN	A	12, Great House Meadows, Boverton	Replacement conservatory roof with warm roof
2019/0956/BR	AC	7, Llantwit Major Road, Cowbridge	Demolition of existing carport and porch, creation of new 2 storey side extension
2019/0959/BN	A	8, Bron Awelon, Barry	Alteration to existing steel work
2019/0960/BN	A	63, Trinity Street, Barry	Remove lean-to conservatory and replace with extension to rear of the property. Remove part of 2 internal walls to create open plan space
2019/0962/BN	A	75, Cedar Way, Penarth	Knock through kitchen / lounge area
2019/0964/BR	AC	49, Westbourne Road, Penarth	Single storey rear extension
2019/0965/BR	AC	6, Stacey Road, Dinas Powys.	Single storey rear extension
2019/0966/BN	A	13, Priory Gardens, Barry	Remove wall between kitchen and utility room
2019/0967/BN	A	28, Hannah Street, Barry	Re-roof
2019/0968/BN	A	4, Llwyn Passat, Penarth Marina, Penarth	Balcony and French doors to front elevation (first floor)
2019/0970/BN	A	2, Mill Park, Cowbridge. CF71 7BG	Two storey extension encompassing double garage
2019/0971/BN	A	8, Dunster Drive, Sully	Porch and new roof and bi-folds to rear existing extension
2019/0972/BN	A	Pengelli Farm House, Pendoylan	Ground and first floor extension to enlarge house

2019/0973/BN	A	22, Harbour Road, Barry	New roof
2019/0978/BN	A	29, Cross Street, Barry	New flat roof
2019/0979/BN	A	30, Windsor Terrace, Penarth	Single storey extension to enlarge kitchen
2019/0980/BN	A	10, Borough Avenue, Barry	Double storey extension
2019/0981/BN	A	100, Plassey Street, Penarth	Replacing 4 upstairs windows and front door
2019/0984/BN	A	51, Boverton Road, Llantwit Major	Extending door and window opening to fit bi-fold doors
2019/0985/BN	A	145, Woodlands Road, Barry	Relocate kitchen to reception room install new door to exterior. Remove chimney breast in existing kitchen. Increase size of window
2019/0986/BR	AC	Vale of Glamorgan Council, Dock Offices, Barry	Proposed installation of new internal partitions to first floor office
2019/0988/BN	A	8, Lakin Drive, Barry	Install new drainage for dog kennel
2019/0989/BN	A	24, Old Port Road, Wenvoe	Garage conversion and W.C
2019/0990/BN	A	3, Downfield Close, Llandough	Kitchen improvement. Removal of internal wall between kitchen and dining room to create larger / combined kitchen diner. Flat roof to be replaced with windows. Sliding doors to rear of the house
2019/0992/BN	A	38, Heol Y Sianel, Rhoose Point, Rhoose	Garage conversion into sitting room and form new cupboard at rear
2019/0994/BN	A	Cadoxton Methodist Church Hall, Church Road, Barry	Strip existing natural slate roof covering and renew with new Spanish slates, battens, breather membrane and accessories

2019/0997/BN	A	Howe Mill Farm, St Marys Church, Cowbridge	Two storey extension to the rear of the property comprising a utility room and boot room at ground floor level and a dressing room and family bathroom at first floor level
2019/0998/BN	A	67, Jenner Road, Barry	Single storey rear extension
2019/0999/BN	A	43, Hillary Rise, Barry	Take out wet room and fit new bath
2019/1000/BN	A	16, East View, Llandow	New central heating, partial rewire, new kitchen and new bathroom
2019/1001/BN	A	17, Lennox Green, Barry	Fit fire door and frame
2019/1002/BN	A	73, Shakespeare Avenue, Penarth	New kitchen, new bathroom and partial rewire
2019/1003/BN	A	32, Glanmore Crescent, Barry	Fit fire door and frame
2019/1004/BN	A	81, North Walk, Barry	Take down and rewire ceilings (asbestos) lounge, stairwell, landing, bedroom 1, 2 and 3
2019/1005/BR	AC	20, Lord Street, Penarth	External alterations and installation of fittings
2019/1006/BN	A	5, Gilbert Lane, Barry	Garage conversion into kitchen
2019/1008/BN	A	7, Fairfield Rise, Llantwit Major	New roof lag attic space. Remove chimney and internal wall. Swap down stairs bedroom / living room. Replace doors and windows. Replace 2m sliding door with 4m sliding door. New kitchen and bathroom
2019/1009/BN	A	7, Kent Green, Barry	Take down the dividing wall between the wet room and w/c, make it into one room

2019/1010/BN	A	17, Cwrt Y Vil Road, Penarth	Single storey kitchen extension and removal of internal wall
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(b) Building Regulation Applications - Reject

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

2018/1197/BN	R	4, Tudor Place, Llantwit Major	Single storey extension to enlarge kitchen
2019/0975/BN	R	6, Murch Crescent, Dinas Powys	Rear single storey extension, loft conversion and knock through
2019/0982/BN	R	11, Walnut Grove, St. Athan	Replace bay windows and 2 further windows
2019/0987/BN	R	1, Station Terrace, Station Road East, Wenvoe	Removal of single detached garage and construction of double garage to replace
2019/1007/BN	R	1, Flanders Meadow, Llantwit Major	Conversion of the attached garage into a kitchen, while incorporating a flat roof porch which links the present back door of the present kitchen and garage. Will require the knocking down of the wall between the garage and kitchen
2019/1015/BN	R	7, St. Davids Avenue, Llantwit Major	Single storey extension (living room for annex)
2019/1025/BN	R	77, St. Davids Crescent, Penarth	Single storey extension to create open plan living area, utility room and shower room, opening up kitchen into extension

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

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

2019/0156/AI	A	Ty Shwllac, St. Brides Major, Bridgend	Proposed two storey side extension with single storey rear extension (works to incorporate material alterations to
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			structure, controlled services, fittings and thermal elements)
2019/0157/AI	A	86, Porthkerry Road, Barry	Proposed conversion of residential home into 3 no. self-contained flats (work to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0158/AI	A	Unit 1, Penarth Road Retail Park, Penarth Road, Cardiff	Fit out of shell to form a Greggs shop
2019/0159/AI	A	Unit 1, Briscombe Retail Park, Cardiff Road, Barry	Fit out of shell to form a Greggs shop
2019/0160/AI	A	Site adjacent to Llangan Primary School, Llangan	Construction of 13 residential units and communal structure with associated works
2019/0161/AI	A	First and second floor flats, 4, Royal Buildings, Stanwell Road, Penarth	Full refurbishment to include material alterations
2019/0162/AI	A	14, Denbigh Way, Barry	Replacement roof structure and coverings
2019/0163/AI	A	Ashdene Manor, 10, Bridgeman Road, Penarth	Extensions, alterations and change of use to create 9 apartments
2019/0164/AI	A	Brookville, Treerhyngyll	Replacement of an existing conservatory roof
2019/0165/AI	A	Unit 1, NBSM Premises, Cardiff Road, Barry	Fit out of a light industrial unit for use as a trade counter for the sale of tools and equipment to the property trade
2019/0166/AI	A	44, Enfield Drive, Barry	Replacement of an existing conservatory roof
2019/0167/AI	A	Cardiff Wales Airport Terminal, Cardiff International Airport, Rhoose	Installation of new toilets near departure/arrivals gate 12 and 13

2019/0168/AI	A	24, St. Pauls Avenue, Barry	Proposed loft conversion, internal alteration and associated works
2019/0169/AI	A	18, Clinton Road, Penarth	Proposed single storey side/rear extension, external boiler room and alterations to existing roof to create dormer (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2019/0170/AI	A	Headlands School, St. Augustines Road, Penarth	Installation of a new floor in zero waste building
2019/0171/AI	A	48, Byrd Crescent, Penarth	Rear single and two storey extension
2019/0172/AI	A	Sant Y Nyll Farm, Heol Sant Y Nyll, St. Brides Super Ely	Conversion of stone barn to residential use including associated works
2019/0173/AI	A	Llandough Hospital, Penlan Road, Llandough.	Refurb the first floor and construct a three storey extension and associated works
2019/0174/AI	A	81, Blackberry Drive, Barry	Gas installations registered under a competent persons scheme
2019/0175/AI	A	Valegate Retail Park, Cophorne Way, Cardiff	External facade refurbishment comprising renewal of entrance structures, new signage zones and improvements to external works
2019/0176/AI	A	Awl-Fan, Aberthin Lane, Aberthin, Cowbridge.	Proposed two storey side extension (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

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

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

**Decision Codes**

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

2011/00511/1/C D	A	1, Gelli Garn Cottages, Cwrt Farm Lane, St. Mary Hill		Discharge of Condition 4 - Archaeology. 2011/00511/FUL - Planning permission for two storey extension to semi-detached property
2014/00229/2/C D	A	Area known as East Quay, Barry Waterfront, Barry		Discharge of conditions 31,39,40,46,47,49 and 51 for planning application 2009/00946/OUT - Development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). (Formerly



			2009/00946/10/CD).Development of vehicular and pedestrian/cycle access including a new link road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision
2015/01132/2/C D	A	The Beachcomber, Lakeside, Barry	Discharge of Condition 13- EPS licence. Planning Application: 2015/01132/FUL: Proposed demolition and redevelopment of The Beachcomber, Barry for seven residential flats and associated ancillary works
2015/01165/1/C D	A	The Beachcomber, Lakeside, Barry	Discharge of Condition 2- restoration or redevelopment. Planning Application 2015/01165/CAC: Proposed demolition and redevelopment of The Beachcomber, Barry for seven residential flats and associated ancillary works
2015/01165/2/C D	A	The Beachcomber, Lakeside, Barry	Discharge of Condition 4- EPS licence. Planning Application 2015/01165/CAC: Proposed demolition and redevelopment of The Beachcomber, Barry for seven residential flats and associated ancillary works
2016/00967/1/N MA	A	Ynyslas, 36, Marine Drive, Ogmore By Sea	Non-Material Amendment - Standard entrance door with glazed window alongside to be replaced by double door entrance with full height glazing. Planning permission ref.

			2016/00967/FUL: Existing single garage to be demolished and replaced by building with cavity walls to be used as a domestic study
2016/01290/1/C D	A	Arno Quay, Barry Waterfront, Barry	Discharge of conditions 2, 5 and 15 - Development of the site known as Arno Quay for residential development and associated infrastructure works, parking, and landscape
2016/01290/2/N MA	A	Arno Quay, Barry Waterfront, Barry	Non material amendment - Development of the site known as Arno Quay for residential development and associated infrastructure works, parking, and landscape at Arno Quay, Barry Waterfront, Barry. Planning permission ref. 2016/01290/RES: Development of the site known as Arno Quay for residential development and associated infrastructure works, parking, and landscape
2017/00291/2/C D	A	Greenyard Farm, Argae Lane, St. Andrews Major	Discharge of Conditions 4 - Highway Engineering and 5 - Landscaping Scheme. Planning Permission ref. 2017/00291/FUL : Change of use of existing stone barn and timber barn to residential, partial conversion of former milking parlour to garage use, the demolition of the remaining milking parlour and steel framed buildings and erection of 12 holiday accommodation units and shower block

2017/00497/2/N MA	A	Arbor Vale, St. Andrews Road, Dinas Powys	Non-material Amendment- Addition of traffic calming speed ramp at entrance into site. Planning Application 2017/00497/FUL: Retention of the development for 24 residential units granted planning permission by virtue of applications 2015/00954/FUL and 2016/00494/FUL with an amendment to the parking layout to serve that development
2017/00662/2/C D	A	Barry Waterfront, South Quay Waterside, Barry	Discharge of Conditions 10 - Boundary Treatments and 11 - Landscape Management Plan. Planning Permission ref. 2017/00662/RES: Reserved Matters application for approval for layout, scale, appearance, access and landscaping for 171 dwellings.
2017/00818/1/C D	A	Side Garden, The Pound, Duffryn Lane, St Nicholas	Discharge of Condition 12 - Ground Gas Assessment. Planning Application 2017/00818/FUL: Construction of four bedroom detached house in the side garden of 'The Pound', Duffryn Lane, St. Nicholas
2018/00256/1/C D	A	South Quay Waterside (Taylor Wimpey), Barry Waterfront	Discharge of Conditions 2 - Further details of LEAP, 3 - Means of enclosure, 4 - Benches and bins, 6 - Surface materials and 7 - Landscaping scheme. Planning Permission ref. 2018/00256/RES: Waterside public open space and public realm so

			far as it relates to Taylor Wimpey's parcel at South Quay, Waterside, Barry Docks
2018/00681/1/C D	A	Pasture Land, Peterston Super Ely	Discharge of conditions 3 (landscaping) and 5 (storing and disposing of waste) of planning permission 2018/00681/FUL (Creation of private (non-commercial) facilities (stables, open-fronted barn, riding area, and gravel parking areas) for keeping and riding horses. Associated works including repair of track between site entrance and riding area)
2018/00735/2/N MA	A	Apple Blossom Cattery Limited, Nant Rhydhalog, 4, Cowbridge Road, Talygarn	Non-material Amendment- Installation of heating pump system. Planning Application 2018/00735/FUL: To develop new cattery for commercial purposes, to construct new building for cattery and grooming parlour, with new specialist cat pens, adjustment of existing site access and provision of car parking
2018/01043/1/C D	A	WM Morrison Supermarkets Plc, Heol Ceiniog, Barry	Discharge of Conditions 4, 5, 6, 19, 22, 23 and 25 Planning Application 2018/01043/FUL: Erection of 1 No. Use Class A1 / A3 drive thru' coffee shop with car parking, drive thru' lane, hard and soft landscaping, refuse areas and associated works
2018/01354/1/C D	A	The Former Royal British Legion Club, High Street, Cowbridge	Discharge of Conditions 3, 5, 6, 8, 11, 12, 13 and 14. Planning Ref 2018/01354/FUL:

			Construction of 6 no. 2-bed apartments and 2 no. 3-bed duplex apartments with associated car parking and private amenity space
2018/01357/1/N MA	A	15, Lynmouth Drive, Sully	Non material Amendment sought to reduce the area of glazing to the main dormer on the front (north) elevation in lieu of grey cladding to match adjacent: Planning Permission 2018/01357/FUL: Proposed alterations to dwelling including construction of new roof with dormer windows to front
2019/00029/1/C D	A	Broadshoard House, 13, Westgate, Cowbridge	Discharge of Condition 3: Planning Permission Ref 2019/00029/FUL Demolition of existing detached garage (under 115 cubic metres) and larch lap fencing to side boundary. Erection of attached garage to side of house and construction of new stone wall to side boundary
2019/00156/FUL	A	Plot 4, Craig Yr Eos Avenue, Ogmere By Sea	Variation to Planning Permission 2017/01157/FUL to bring ground floor balcony into alignment with neighbouring properties, alteration to rear garden level and to seek approval of materials details reserved by condition
2019/00205/FUL	A	24, St. Brides Road, Wick,	To put a driveway in at the front of the property

2019/00243/FUL	A	Land Adjacent to 56, Redlands Avenue, Penarth	Proposed balcony to first floor and full height glazed rear extension to ground floor
2019/00264/FUL	A	Llanerch Vineyard, Hensol	Proposed renewal of application 2016/00897/FUL (Removal of Condition 3 - Change restricted hours shown to 24:00-12:00 hours) for a period of 5 years or until the complex as approved 2011/00680 (Proposed single storey events complex on the site of existing pool house, with associated vehicle turning space and associated works. Also proposed is an additional car park area (approximately 64 spaces). Furthermore, existing unauthorised works such as the use of the ground floor of the farmhouse as a cafe/restaurant and the cookery school are included for their retention) is completed
2019/00302/FUL	A	Llanerch Vineyard, Hensol	Proposed renewal of application 2016/00096/FUL for a period of 5 years or until the even complex as approved 2011/006804
2019/00372/1/C D	A	Cylch Meithrin Y Bontfaen, The Broad Shoard, Cowbridge	Discharge of Condition 4 - Landscaping Scheme. Planning Permission ref. 2019/00372/FUL: Small extension to the front of the building
2019/00484/1/N MA	A	37, Glen Mavis Way, Barry	Non-Material Amendment - Amend rear lean-to extension to use blocks instead of bricks to match the original lean-to at the

			front of the property. Planning Permission ref. 2019/00484/FUL: Replacement of existing lean-to to rear and alterations to front to include relocation of front door
2019/00501/FUL	A	Tremains Farm, Llanmaes	To construct an all-weather arena, 60 x 40 metres and surrounded by a wooden fence with 2 access gates.
2019/00527/1/N MA	A	7, Port Road East, Barry	Non-material Amendment- Alteration of 300mm to width of proposed garage. Planning Application 2019/00527/FUL: Demolition of the existing garage at rear of the site boundary and construction of a larger garage and summer house
2019/00640/1/C D	A	6, Glebe Street, Penarth	Discharge of conditions 6 (works to building's exterior) and 7 (external materials) of planning permission 2019/00640/FUL (Change of use of Unit 1 of the building (ground and first floor) to A3 cafe use with outdoor seating (no hot food to be cooked on the premises))
2019/00665/LBC	A	Biglis Farmhouse, Argae Lane, St Andrews Major	Replacement of windows and doors
2019/00683/1/C D	A	Mount Pleasant Farm, Llangan	Discharge of Condition 3- Materials Details. Planning Ref 2019/00683/LBC: Extension to existing garage
2019/00686/FUL	A	194, Port Road East, Barry	New rear orangery to replace existing conservatory. Existing

			ground floor layout to be modified to accommodate disabled toilet and wet room
2019/00688/FUL	A	41, Augusta Crescent, Penarth	Erection of new dormer window to existing loft conversion and window to gable end. Alterations to window and door openings. Conversion of garage. Internal alterations to suit. External landscaping also
2019/00704/FUL	A	14, Maes Y Gwenyn, Rhoose	Converting an integral double garage into living area.
2019/00720/FUL	A	Unit 1, Atlantic Trading Estate, Barry	Change of use from B1 to A3 for part of the building, internal alterations and new external escape stairs
2019/00752/FUL	A	Hafod Y Coed, College Gardens, Llantwit Major	Installation of a 3.6KW solar PV array using an in roof mounting system
2019/00763/FUL	R	1A, Palmers Vale Business Centre, Palmerston Road, Barry	Change of use from Warehouse to Indoor Paintball
2019/00784/FUL	A	Image, 108, Glebe Street, Penarth	Change of use of ground floor from A1 to A3, new shopfront and single storey rear extension with associated works including refuse/recycling facilities.
2019/00823/FUL	A	109, Redlands Road, Penarth	Proposed two storey extension to rear, loft conversion with dormer to rear
2019/00840/LAW	R	2, Cwrt-y-Vil Road, Penarth	Crossover required to pavement, reduction of walled frontage to allow access, hardstanding create/improved, removal of conifer tree and re-position lamp post



2019/00855/OUT	R	Time House, Regent Street, Barry	Demolition of existing coach house and construction of 4 no. flats
2019/00883/FUL	A	62, Broadway, Llanblethian, Cowbridge	Demolish conservatory, construct two storey rear extension
2019/00900/FUL	A	36, West Farm Road, Ogmore By Sea	Proposed first floor extension within roof space to also include first floor extension above existing flat roof. New dormer on the west elevation and alterations to an existing flat roof and the addition of new first floor windows. Raising height of existing front and rear gables
2019/00936/FUL	A	176, Westbourne Road, Penarth	Rear ground floor extension, construction of new roof wrapping over the side, existing 2 storey flat roofed areas, dormer to rear. Attic bedroom within roof space and elevation upgrade, with replacement porch
2019/00939/OUT	A	Land adjacent to 63, Vere Street, Barry	Construction of 2 no. flats (one block) with on-site parking and individual amenity areas
2019/00953/FUL	A	Dockside Quay, Barry Waterfront	Variation of condition 14 of planning permission 2017/00476/RES, to allow temporary use of A3 unit for a period of 12 months for residential sales office (A2 Financial and Professional Services as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended))

2019/00969/FUL	A	35, White House, Barry	Ground floor extension to side to form new single storey kitchen
2019/00979/FUL	R	Rockleigh, 34, Craig Yr Eos Road, Ogmore By Sea	Demolition of garage and removal of rear dormer extension. Replacement with 2 storey rear extension.
2019/00986/FUL	A	2, Bingle Lane, St Athan	First floor extension to the rear elevation
2019/00988/FUL	A	Land at Barry Waterfront	Variation of Condition 1 of 2017/01356/RES to amend size of kiosks
2019/00990/FUL	A	16, Cory Crescent, Peterston Super Ely	Dismantle original leaking chimney(s) and re-build using modern materials and techniques to match existing. Extend existing garage to accommodate second vehicle using materials and finish to match existing house
2019/00991/LBC	A	16, Cory Crescent, Peterston Super Ely	Dismantle original leaking chimney(s) and re-build using modern materials and techniques to match existing. Extend existing garage to accommodate second vehicle using materials and finish to match existing house
2019/00992/FUL	A	53, Castle Avenue, Penarth	Proposed two storey extension to the side of the existing property. Existing garage to be demolished and replaced by new detached garage
2019/00993/FUL	A	Tyr Ardd, Llandough, Cowbridge	Patio area with block retaining and timber fence post and rail stock proof fence to boundary

2019/00999/FUL	A	First Floor Flat, 4, Herbert Terrace, Penarth	Change of use from residential to D1 Tutor centre
2019/01004/ADV	A	On Road outside the Valegate Retail Park, Culverhouse Cross	Display of a double sided illuminated paper advertising panel, fully integrated into a bus shelter
2019/01005/ADV	A	Culverhouse Cross Access Roads Tesco and Marks and Spencer, Culverhouse Cross	Display of a double sided illuminated paper advertising panel, fully integrated into a bus shelter
2019/01007/FUL	A	Backways, Ffordd Yr Eglwys, Peterston Super Ely	Proposed garage
2019/01008/FUL	A	31, Wick Road, Ewenny	Double storey extension to side. Addition of open porch canopy, replacement of windows and rendering to front
2019/01013/FUL	A	St Peters Church Car Park, Mile Road, Off Sully Road, Old Cogan, Penarth	Variation of condition 2 of planning permission 2013/00728/FUL: land to be used for church related car parking only. Erect a wooden security garden style shed, with grey roofing flat over treated timber on a concrete hardstanding that already exists in the S.E corner
2019/01016/FUL	A	90, Murlande Way, Rhoose, Barry	First floor extension, building over ground floor kitchen and garage to provide new bedroom with ensuite facilities
2019/01019/FUL	A	31, Channel View, Ogmore By Sea	Change of use of land to residential-Note amended description
2019/01020/FUL	A	Former Waitrose, Palmerston Road, Barry	The construction of a flow forge plant cage/compound

			and the installation of air conditioning/refrigeration plant thereto together with the forming of 4 no. openings in external wall/cladding associated with same and keyclamp sections to protect plant
2019/01025/FUL	A	Cigfran Glas, 8, Harbour View Road, Penarth	Single storey rear and side extension plus loft conversion with rear dormers plus all associated works
2019/01026/ADV	A	Former Waitrose, Palmerston Road, Barry	High level signs to front and side elevations, sign over entrance, loading bay sign and panels to totem poles together internal graphics to shopfront
2019/01028/FUL	A	Unit 3, Tyr Gyfraith, (Filco Supermarkets Ltd.,) Thompson Street, Barry	Change of Use from Retail to Class A2 on existing building
2019/01034/FUL	A	5, Cadoc Crescent, Barry	Re-configuration of windows to rear and side elevations
2019/01036/FUL	A	24 Heol Neuadd Cogan, Caversham Park, Penarth	Single storey extension to rear of property to form additional floor area to kitchen and dayroom
2019/01038/FUL	A	2, Downfield Close, Llandough, Penarth	Ground floor rear/side extension
2019/01040/FUL	A	22, Maillards Haven, Penarth	Front door moved forward to outside line of house. Glass panels either side and glass panel on side angle pointed roof over door and panels to tie in to existing bottom roof

2019/01042/FUL	A	73, Heol Collen, Culverhouse Cross, Cardiff	A side and rear single storey extension providing an enlarged kitchen area and lounge
2019/01043/FUL	A	63, Porthkerry Road, Barry	Change of use from C3 to C4 House of Multiple Occupation totalling 5 bedrooms. No changes are to be made to the exterior of the property
2019/01048/FUL	A	New Broad Street Motors, Ty Verlon Industrial Estate, Barry	Variation of condition 6 of 2019/00160/FUL - The use shall not be carried out outside the hours of 7:00 to 20:00 Monday to Saturday and 9:00 to 17:00 on a Sunday and Bank Holidays to amend to Monday to Saturday (including Bank Holidays).
2019/01049/FUL	A	Red Roofs, St. Athan Road, Cowbridge	Internal remodelling of property, including front and rear extension with rooflights and dormer in roof
2019/01054/FUL	A	Area between Coronation Street and Fryatt Street, Barry. Land is accessible from lane at top of both streets	Abandoned, fallen down garage, turned into a storage facility.
2019/01057/FUL	A	5, Abbey Gardens, Abbey Road, Ewenny	Proposed single storey side extension to provide ancillary accommodation for elderly relative
2019/01065/FUL	A	Westcross House, 10, Stanwell Road, Penarth	Demolish existing coach house and construct new games room
2019/01066/FUL	A	Channel View, Green Lane, Llantwit Major	Single storey side extension to dwelling and balcony

2019/01067/FUL	A	Ground Floor Flat, 8, John Street, Penarth	Remove shed and enlarge existing pvc window openings at rear of property to install new patio doors and windows
2019/01070/ADV	A	Land off Cog Road, Sully	3 no. flag and pole; and a land acquired board
2019/01072/FUL	A	Ladbrokes now Llantwit Ice Cream, East Street, Llantwit Major	Combined use A1 and A3 so we can serve hot food. Use upstairs for commercial use for seating areas and workshops
2019/01073/FUL	R	Hendre, Sigingstone	To create kitchen windows onto roadside. Two windows with matching size and style as near to bathroom three windows. Windows proposed dimensions 40cm wide x 80 cm high with stone pillar work in keeping with welsh stone property construction. Windows in wood sash frame and black paint to match bathroom windows
2019/01075/FUL	A	High Seat Limited, 1, Penarth Road Retail Park, Penarth Road, Penarth	Provision of two extract grilles and replacement ac condensers
2019/01076/ADV	A	High Seat Limited, 1, Penarth Road Retail Park, Penarth Road, Penarth	Two fascia signs
2019/01078/FUL	A	34, Grove Place, Penarth	Proposed dormer to rear annexe and increase size of window to side elevation
2019/01079/FUL	A	Sokotra Villa, 105, Windsor Road, Penarth	Single storey rear extension
2019/01080/FUL	A	The Master Mariner, Skomer Road, Barry	External alterations

2019/01081/FUL	A	Thimble Cottage, Castle Hill, Llanblethian, Cowbridge	Rear ground floor kitchen extension with a first floor extension over the garage
2019/01084/FUL	A	23, Rectory Close, Wenvoe	First floor extension
2019/01085/LBC	A	The Court House, High Street, Llantwit Major	Listed Building Consent is required for NMA to Householder application 2018/01343/FUL "Over cladding of rear, two storey 1950s prefabricated extension with timber studs and render to match existing colour and finish at The Court House, High Street, Llantwit Major" - NMA to change the construction type
2019/01087/LAW	A	3, Turnpike Close, Dinas Powys	Single storey garage extension
2019/01090/FUL	A	3, Whitehall Close, Wenvoe	Single storey rear extension with raised terrace (as existing) conversion of garage to habitable room
2019/01095/FUL	A	Gelert West, 2, St. Augustines Crescent, Penarth	Proposed raised decking in rear of garden
2019/01096/FUL	A	27, Mountjoy Avenue, Penarth	Amendment to 2016/00896/FUL. Reduce the length of approved extension to 4400mm and increase the width to 1700mm
2019/01098/RG3	A	Llansannor and Llanharry Church In Wales Primary School, Llansannor	Construction of a single storey extension to provide an additional shared teaching area. Associated external works to include construction of an external decking area and disabled access ramp

2019/01099/FUL	A	92, Millfield Drive, Cowbridge	Ground floor single storey side extension
2019/01100/FUL	A	22, Minehead Avenue, Sully	Single storey rear extension with enlargement of existing first floor rear dormer. New first floor extension onto existing front annex. Demolition of existing garage to create an attached garage to the house
2019/01110/FUL	A	7, Well Walk, Barry	Replacement of roof using fibre cement slate to match adjoining property and other houses in road
2019/01112/FUL	A	1, Church Place South, Penarth	Renew roof of garage
2019/01116/ADV	A	The Master Mariner, Skomer Road, Barry	Installation of 3 x illuminated fascia signs, 1 x illuminated hanging sign and 5 x illuminated amenity boards
2019/01117/FUL	A	9, Hickman Road, Penarth	Replacement of ground and first floor windows and front door to front elevation
2019/01122/ADV	A	Unit 3, 1, Paget Road, Barry	One fascia sign
2019/01130/OBS	N	Land South of Creigiau, Cardiff	Planning reference number for Cardiff 19/02523/MJR:- Outline planning application, with all matters reserved except for strategic access, for the development approx. 650 dwellings, including open space (including play areas and areas of informal recreation), landscaping, sustainable drainage systems, vehicular accesses, improvement works to the existing highway network,



			pedestrian and cycle accesses and related infrastructure and engineering works
2019/01134/FUL	A	Unit 1, Briscombe Trade Park, Cardiff Road, Barry	two air conditioning condenser units and two extract grilles
2019/01135/ADV	A	Unit 1, Briscombe Trade Park, Cardiff Road, Barry	Three fascia signs and one totem sign
2019/01139/OBS	P	Bwlch Pen Onn House, Llancarfan	Proposed alteration of an existing overhead line
2019/01144/FUL	A	1, Meggitt Road, Barry	Erection of a single storey conservatory on East elevation of the property. [Base walls completed, part retrospective]
2019/01146/FUL	A	5, Oyster Bend, Sully	Single storey extension squaring off the bungalow to the rear
2019/01147/FUL	A	4, Bridgewater Road, Sully	Single storey rear extension
2019/01149/FUL	A	Ross Kear, Pen-Onn, Nr Penmark	Removal of conservatory to rear. Proposed single storey extension to form dining area and family room with Juliet window/balcony to first floor
2019/01157/FUL	A	87, Pontypridd Road, Barry	Single story extension to the side of the property and loft conversion with rear flat roof dormer
2019/01170/LAW	A	25, Gelyn Y Cler, Barry	Single storey conservatory

Agenda Item No. \_\_\_\_\_

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **18 DECEMBER 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2019/00734/FUL  
Appeal Method: Written Representations  
Appeal Reference No: D/19/3240537  
Appellant: Mr Stuart & Mrs Shereen Parr  
**Location: 3, Heol Y Mynydd, Welsh St Donats**  
Proposal: New 2 storey extension for ground floor kitchen and living/dining rooms, and first floor bedroom, and bathroom, and ensuite bathroom. New stairs to new attic room with dormer and rooflights in existing roof space  
Start Date: 15 November 2019

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LPA Reference No: 2019/00598/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 19/3242200  
Appellant: Mr S Williams  
**Location: Land at Oakwood, Llanmaes, Llantwit Major**  
Proposal: Proposed construction of 2 bed 2 storey dwelling accessed from new entrance onto private shared driveway  
Start Date: 3 December 2019

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(b) Enforcement Appeals Received

None

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(c) Planning Appeal Decisions

LPA. Reference No: 2018/01418/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 19/3236685  
Appellant: Mr Nigel Bond  
**Location: Poundfield Farm, Pound Lane, Wenvoe**

Proposal: The retention and completion of the existing building to provide ancillary living accommodation associated with the dwelling at Poundfield Farm

Decision: Appeal Dismissed

Date: 26 November 2019

Inspector: Richard Duggan

Council Determination: Committee

## Summary

The main issue was considered to be the effect of the development on the character and appearance of the locality, with particular regard to the impact on Wenvoe Woods.

The Inspector noted that the appeal building had been constructed on the site where a previous planning permission was granted for a domestic garage and store. Whilst the appellant had contended that the land surrounding the appeal building formed part of the lawful residential curtilage of Poundfield Farm, the Inspector did not consider that there was sufficient evidence to corroborate such assertions and it was beyond his jurisdiction to determine this matter within the appeal.

The proposed ancillary accommodation / annexe related to an incomplete single storey building on the land and the appellant indicated that the annexe would eventually be used by himself and his wife and the main dwelling would be for one of their children and family. The layout of the building when completed would include a kitchen / diner, lounge, bedroom, bathroom and a large store room.

The Inspector commented that ancillary accommodation or a residential annexe should, by definition, be subordinate to its host dwelling in terms of its scale and design and also have a functional link to it. Whilst noting that the annexe would be clearly smaller in scale, it would be physically separated from the main property and outside its curtilage and have a separate means of access, parking and garden areas. The Inspector therefore concluded that the annexe would contain residential accommodation commonly found in a separate dwelling and was therefore development that was tantamount to the creation of a new dwelling.

Having regard to the countryside location and policies of the LDP which strictly control development and changes of use of buildings to residential use and national policy, which advises that new houses in the open countryside require special justification, it was concluded that there was no such justification in this case which could support a residential unit at this location.

The Inspector considered that the countryside should be protected for its intrinsic character and that the building currently appears as a relatively large, single-storey independent domestic dwelling, which has a harmful urbanising effect on the character and appearance of the area. Whilst acknowledging that planting and landscaping could provide some screening, this would not adequately mitigate the nature of the built development, which he considered

was harmful to the rural character and appearance of the area and an unjustified intrusion into the open countryside. The personal circumstances of the appellant and his family were not considered to be sufficiently exceptional to justify unsatisfactory development within open countryside.

The Inspector therefore dismissed the appeal and concluded that the creation of a dwelling would undermine the area's rural and wooded character and the development was in an inappropriate location for a dwelling and had a harmful impact on the character and appearance of the locality and on Wenvoe Woods, contrary to policies of the LDP and Planning Policy Wales (Edition 10).

## **Comment**

Having now received confirmation from the Inspector that the use of the building as an annexe is not considered to be acceptable, officers are proceeding to issue the Enforcement Notice that was authorised by Planning Committee on 2<sup>nd</sup> May 2019, which will require the removal of the outbuilding and the cessation of the use of the land as garden.

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LPA. Reference No:	2019/00702/FUL
Appeal Method:	Written Representations
Appeal Reference No:	D/19/3240164
Appellant:	Mr & Mrs JM and HW Watt
<b>Location:</b>	<b>28, Plymouth Road, Penarth</b>
Proposal:	Remove part of a front boundary wall so as to provide a turning area for a vehicle to exit in forward gear
Decision:	Appeal Dismissed
Date:	2 December 2019
Inspector:	Joanne Burston
Council Determination:	Delegated

## **Summary**

The main issue was considered to be whether the proposed development would preserve or enhance the character or appearance of the Penarth Conservation Area (CA). The appeal site comprised a semi-detached villa located on the eastern side of Plymouth Road, which was noted to be a tree lined avenue, where the properties are united by a setback building line and front gardens enclosed by low dwarf walls and boundary hedges.

The Inspector identified that the proposal would reduce the length of the existing front boundary wall and hedgerow by some 1.35 metres and the creation of a wider opening at no. 28 would significantly disrupt a section of a wall that is one of the distinctive features of this road and would reduce the sense of enclosure and privacy that currently characterises the villa. She considered that the harm to an individual section of wall may appear not to be significant, but that the incremental and cumulative loss of these original features adversely affects the conservation area as a whole.

Whilst appreciating the appellants' concerns relating to reversing manoeuvres into and out of Plymouth Road, she considered that there was no evidence relating to vehicle collisions along the road and that good visibility along this stretch of road would allow other drivers and pedestrians to see a vehicle entering / exiting the driveway and react accordingly.

Although the Inspector acknowledged that the appellants' use of an electric vehicle was to be encouraged, it was considered that the proposed development would remain long after this personal circumstance existed. Given the strong presumption against developments which damage the character or appearance of a conservation area, she did not consider that the circumstances put forward by the appellants were exceptional or that the development would be considered desirable on public interest grounds. The Inspector commented that other similar developments along Plymouth Road either appeared to have been in place for many years or served to illustrate the visual harm that could arise from the widening of accesses.

The Inspector therefore dismissed the appeal, concluding that the proposal would fail to preserve or enhance the Penarth Conservation Area and would be contrary to policies of the LDP, Technical Advice Notes 12 (Design) and 24 (Historic Environment) as well as Planning Policy Wales (Edition 10).

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(d) Enforcement Appeal Decisions

None

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(e) April 2019 – March 2020 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (to measure performance)	<b>W</b>	13	2	15	3
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		13 (87%)	2	15	3
<b>Committee Determination</b>		1 (33%)	2	3	-
<b>Other Planning appeals (inc. appeal against a condition)</b>		-	-	-	-
<b>Enforcement Appeals</b>	<b>W</b>	1	1	2	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	1	-	1	-
<b>Enforcement Total</b>		2 (67%)	1	3	-
<b>All Appeals</b>	<b>W</b>	14	3	17	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	1	-	1	-
<b>Combined Total</b>		15 (83%)	3	18	3

Background Papers

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

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **18 DECEMBER, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. TREES

(a) Delegated Powers

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

**Decision Codes**

A - Approved

R - Refused

E Split Decision

2019/00915/TPO	A	St. Peters Church, Mill Road, Dinas Powys	Works to trees covered by TPO - No. 02, 1954
2019/00970/TPO	A	The Vale Resort, Vale Of Glamorgan Hotel and Golf Club, Lane - Junction Hensol Road at Llanerch to Tredodridge via Ty With, Hensol	Work to trees covered by TPO Nos.3 and 4 of 2003
2019/01064/TCA	A	Front garden, Greenacres, Llanbethery	Work to trees in a Conservation Area : Three trees that are in the front garden
2019/01131/TPO	A	The Manor House, Duffryn Lane, St. Nicholas	Works to trees covered by TPO - No. 04, 1952, Tree 1 - Remove, Tree 2 - intensive pruning
2019/01159/TCA	A	The Pound, Duffryn Lane, St Nicholas	Work to trees in the St. Nicholas Conservation Area: Beech tree - 25-30% reduction, Cherry tree - trim back to boundary, Poplar tree - trim back to boundary
2019/01175/TCA	A	10, Marine Parade, Penarth	Work to trees in Penarth Conservation Area

2019/01189/TCA A 23, Cardiff Road, Dinas  
Powys

Work to trees in a  
Conservation Area :  
Sycamore trees- Boundary  
at rear end of garden - Fell  
stem on West side of group  
and reduce height and  
spread of remaining stems  
by 20%



THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **18 DECEMBER, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. UPDATE ON ENFORCEMENT ACTION – LAND AT SITESERV RECYCLING, LLANDOW TRADING ESTATE, LLANDOW

Introduction

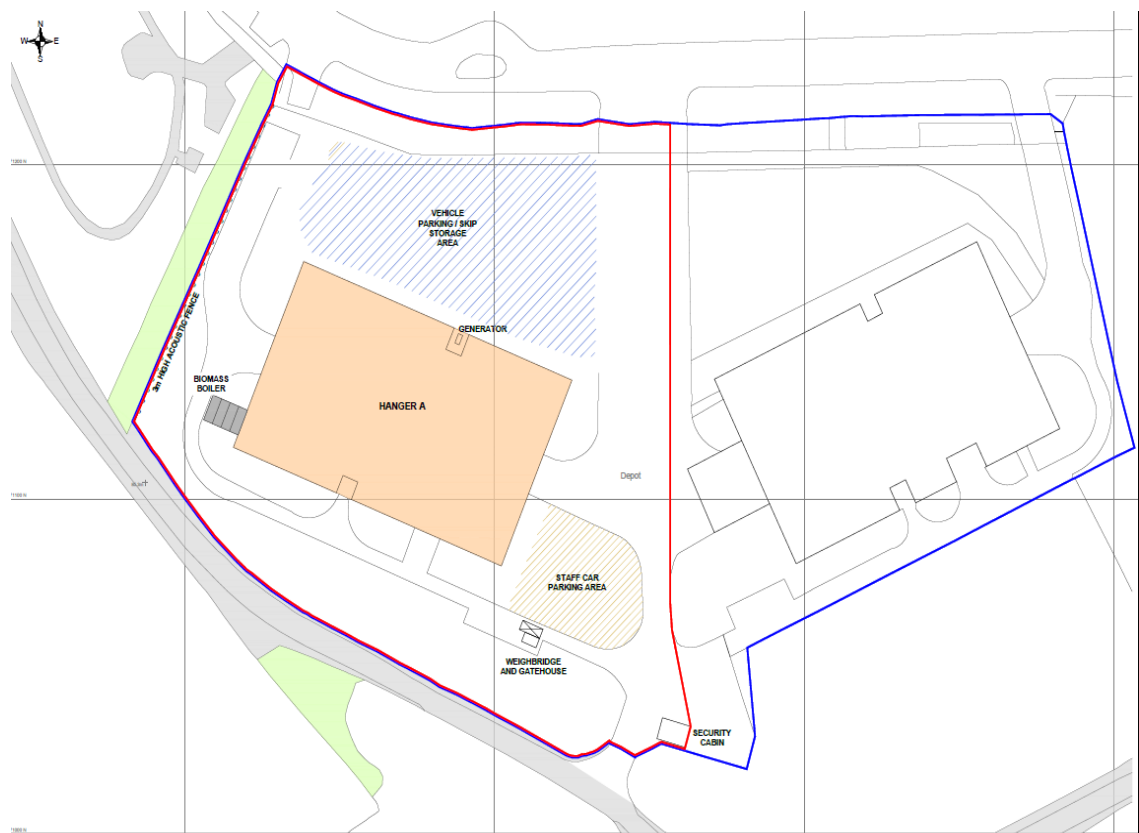
1. The purpose of this report is to update Members of the Planning Committee on previous enforcement action taken at Siteserv Recycling, Llandow following the grant of planning permission in November 2017 under application 2017/00329/FUL and the result of further investigations that have been carried out, following the receipt of recent complaints regarding the site.

Background

2. Members will be aware that the site has been the subject of an on-going enforcement investigation which was initially instigated in respect of the use of a wider site that was occupied by two hangar buildings ('Hangar A' and 'Hangar B'). The unauthorised use of the wider site as a waste transfer operation for the receipt, storage, sorting and export of waste material including paper, cardboard and plastic waste is understood to have commenced in the summer of 2015, following the grant of a Standard Rules Permit by Natural Resources Wales (NRW).
3. The Council's enforcement investigation in respect of the use of the site commenced in August 2015, at the same time as an application for planning permission was submitted for the retention of the use (2015/01464/FUL). The lawful use of the site was considered to fall within use class B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987 and as such, the use of the site as a waste transfer operation was considered to constitute a material change of use that required planning permission.
4. Following consideration of a planning application referenced 2015/01465/FUL, this was refused permission on 15<sup>th</sup> April, 2016 and an Enforcement Notice, authorised by the Planning Committee, was issued in respect of the unauthorised use of the land on 14<sup>th</sup> June, 2016. Appeals were lodged against both the refusal of planning permission and the issuing of the Enforcement Notice and were due to have been considered by the Planning Inspectorate through a public inquiry.
5. However in March 2017, as a result of a fire, Hangar B was effectively burnt to the ground and therefore, all operations on the site ceased. During the incident, NRW are understood to have suspended the permit, but shortly after, the suspension was partially lifted in order to allow the continued operation of the western part of the site not affected by the fire.
6. In May 2017, a further planning application was submitted and both the planning and enforcement appeals were held in abeyance pending the determination of the application (2017/00329/FUL). The application only related to the remaining Hangar A and the half of the wider site that this hangar occupies and following

consideration of the impact of the operations carried out, planning permission was approved on 2 November 2017 for the *'retention of a material change of use of land and warehouse known as Hangar A from a storage and distribution use (use class B8) to a materials recovery facility and ancillary offices (use class B2) and retention of a weighbridge and weighbridge office'*. The permission was granted subject to conditions, a number of which required further works to be undertaken following the submission and approval of various details by the Council. These conditions included details in relation to a fire prevention and mitigation strategy, a fire resistant acoustic fence, external lighting, the surfacing of the haul road, vehicle parking and skip storage areas and the installation of an oil, diesel and petrol interceptor and were required in order to make the use of the site acceptable from a planning perspective.

7. The location plan below show shows the application site for which planning permission was granted, effectively forming half of the wider former industrial site.



## Planning History

The following planning history is relevant to the site:

- **2017/00329/1/CD:** Discharge of Conditions 9 - Fire Prevention Plan, 14 - Acoustic Fence, 15 - External Lighting and 16 - Road Surfacing. Planning Permission ref. 2017/00329/FUL: Retention of a material change of use of land and a warehouse known as Hangar A from a storage and distribution use (use class B8) to a materials recovery facility and ancillary offices (use class B2) and retention of a weighbridge and weighbridge office – Approved (conditions 9. and 15. only) 21/06/19 / Refused (conditions 14. and 16. only) 21/06/19.

- **2017/00329/2/NMA:** Non-material amendment to vary the wording of Condition 15 (of planning permission 2017/00329/FUL) to allow an extension of time for submission and to approve the details of all external lighting - Approved 21/06/19.
- **2017/00329/1/NMA:** Non-material amendment to vary the wording of Conditions 9, 14, 15, and 16 (of planning permission 2017/00329/FUL) to allow an extension of time for submission and to approve the details - Approved (conditions 9. and 15. only) 21/06/19 / Refused (conditions 14. and 16. only) 21/06/19.
- **2017/00329/FUL:** Retention of a material change of use of land and a warehouse known as Hangar A from a storage and distribution use (use class B8) to a materials recovery facility and ancillary offices (use class B2) and retention of a weighbridge and weighbridge office – Approved 02/11/2017.
- **2014/01464/FUL:** Hangars A and B, Llantwit Major Road, Llandow - Change of use of existing mixed Class B1 (Business), B2 (General Industrial), B8 (Storage and Distribution) warehouses known as Hangars A and B to a, waste transfer station, storage of municipal waste and ancillary offices (Sui Generis) and erection of a weighbridge and weighbridge office - Refused 15/04/2016.
- **2003/00985/FUL:** Unit B, Wick Road, Llantwit Major - New access doors to gable. Approved 05/09/2003.
- **1985/01015/FUL:** Wick Road, Llandow Trading Estate, Llandow - Canopy to provide covered loading/unloading area. Approved 26/11/1985.

#### Action taken following the Approval of Planning Permission 2017/00329/FUL

8. Following the determination of application 2017/00329/FUL, further investigations and enforcement action has been undertaken, which relate mainly to the applicant's failure to discharge and / or implement the planning conditions attached to the permission granted, in particular conditions 3. (Hours of Operation), 9. (Fire Prevention and Mitigation Strategy), 14. (Fire Resistant Acoustic Fence), 15. (External Lighting) and 16. (Surfacing of Haul Road and Skip / Vehicle Parking Area). The enforcement action that has been taken to date in relation to these conditions is detailed below.

#### Condition 3. - Hours of Operation

9. This condition restricts the operations undertaken on site to be carried out between 07:00 to 18:00 Monday to Friday and 07:00 to 16:00 on Saturday only with no working on Sundays or Public Holidays. In response to reports that activity at the site had started before the 7am start time, a Breach of Condition Notice (BCN) was issued on 6<sup>th</sup> November 2018 which required the applicant to comply with the approved hours of operation within one month. Following the issuing of the BCN, no further complaints have been received in respect of the hours of operations and the notice is therefore considered to have been complied with. As Members will be aware however, the notice remains binding on the land in perpetuity and therefore, further legal action could be pursued, if the breach recommenced in the future.

#### Condition 9. – Fire Prevention and Mitigation Strategy

10. This condition required the submission of a Fire Prevention and Mitigation Strategy for approval and the use of the site to thereafter be carried out in accordance with the approved strategy. On 24<sup>th</sup> April 2018, a discharge of

condition application was submitted to discharge a number of conditions including number 9. (2017/00329/1/CD). The details submitted seeking the discharge of this condition were not however considered acceptable and further requested details were not submitted to the Council. Therefore, a Breach of Condition Notice was issued on 6<sup>th</sup> November 2018 which required the applicant to submit revised and additional details relating to the Fire Prevention Mitigation Strategy to the Council within one month.

11. Following the submission of further information and liaison with NRW, the details were considered acceptable and were approved on 21<sup>st</sup> June 2019 in compliance with the requirement of condition 9. of application 2017/00329/FUL, as amended by a non-material amendment application (2017/00329/1/NMA). This is the standard procedure to vary the wording on a condition to allow an extension of time and the approval of acceptable details. Following the discharge of this condition, no issues have been raised in respect of the fire prevention strategy and it is therefore considered that the condition has been satisfactorily complied with, although the wording of the condition contains a continuing requirement for the use of the site to be carried out in accordance with the approved strategy at all times. It has been previously confirmed by NRW that their permit contains a condition in relation to the Fire Prevention Plan and officers from NRW are continuing to monitor the site.
12. As detailed below, a more recent investigation on the operations currently carried out on the site has identified that a paper shredding operation has recently been commenced at the site and this is considered to have implications on the approved fire prevention strategy. Consideration of the potential consequences and further proposed action is however dealt with in relation to condition 2. below.

#### Condition 14 – Fire Resistant Acoustic Fence

13. This condition required the submission of details of a fire resistant acoustic fence to be erected along the westernmost boundary of the site to a minimum height of 3 metres and its completion within three months following its approval. On 24<sup>th</sup> April 2018 a discharge of condition application was submitted to discharge a number of conditions including number 14. (2017/00329/1/CD). This included details of a 1.8 metre high acoustic fence which was not considered to be of a sufficient height to mitigate the impact of the development on the adjoining caravan park and although details of a 3 metre fence were requested, these were not submitted. The details were therefore refused on 21<sup>st</sup> June 2019 and a Breach of Condition Notice (BCN) was issued on 24<sup>th</sup> June 2019, requiring the submission of revised or additional details relating to a 3 metre high acoustic fence. In response, details of a 4 metre high 'Pro-acoustic fence' have been received from the applicant's agent and it has been suggested that these details are acceptable to enable the condition to be discharged.
14. Following an assessment of the information submitted, this is not however considered to be acceptable to enable the condition to be discharged as firstly, no reference has been made to the fence being 'fire resistant' as required by the condition and secondly, in the absence of a formal discharge of condition application and accompanying non-material amendment application, the Council would be unable for formally amend and discharge the condition.
15. In more recent discussions with the applicant's agent, it has been acknowledged that the fencing details have not been formally approved by the Council. It has been suggested however that the requirements of the BCN in requiring the submission of details has been fully met, as the notice did not specifically require the approval of these details through a discharge of condition application (the

normal procedure for amending and discharging conditions retrospectively). Following the receipt of legal advice, it has been recommended that in order to avoid any technical difficulties in pursuing further legal action that may be required, a further BCN is issued which includes the specific requirement for the amendment of the condition through a non-material amendment application and the approval of acceptable details through a discharge of condition application. It is therefore intended that a further BCN is issued in respect of this condition which includes these specific requirements.



Photo 1. - proposed location of fire resistant acoustic fence along the western boundary (on outside edge / right-hand side of haul road).

#### Condition 15 – External Lighting

16. This condition required the submission and approval of the details of all external lighting including means of operation and the provision of lighting in accordance with the approved scheme. On 24<sup>th</sup> April 2018 a discharge of condition application was submitted to discharge a number of conditions including number 15. (2017/00329/1/CD). The details were considered acceptable and were approved on 21<sup>st</sup> June 2019 in compliance with the requirement of condition 15. of application 2017/00329/FUL, as amended by a non-material amendment application (2017/00329/1/NMA). Following the discharge of this condition, no issues have been raised in respect of the lighting and it is therefore considered that the condition has been satisfactorily complied with.

#### Condition 16 - Surfacing of Haul Road, Vehicle Parking / Skip Storage Area and Oil, Diesel and Petrol Interceptor.

17. In dealing with the application, it was determined that various improvements to the surfacing of the haul road and vehicle parking and skip storage areas were required and this condition therefore required the submission of these details which were also to include a bound surface and the installation of an oil, diesel and petrol interceptor for the vehicle parking and storage area. On 24<sup>th</sup> April 2018 a discharge of condition application was submitted to discharge a number of

conditions including number 16. (2017/00329/1/CD). The details submitted seeking the discharge of this condition were not however considered acceptable and further requested details were not submitted to the Council. Therefore, a Breach of Condition Notice was issued on 6<sup>th</sup> November 2018 which required the applicant to submit revised and additional details relating to the haul road and vehicle parking / skip storage area to include the bound surfacing of all parts of the internal haul road and the location and details of an oil, diesel and petrol interceptor within one month.

18. In response, the applicant's agent has suggested that as vehicles are no longer parked or stored and skips are also not stored on the land, there is no longer the need to provide a bound surface or oil and petrol interceptor in the vehicle and skip storage area. Whilst this position has been acknowledged, the planning permission granted under 2017/00329/FUL allows for skip and vehicle storage. In order for the Council to agree that there is no need for this area of the site to be surfaced in a bound material with an interceptor, the omission of this use would need to be formally amended through a further application planning permission. As no further details or amended application were submitted, the details submitted under application 2017/00329/1/CD seeking the formal discharge of this condition were therefore refused on 21<sup>st</sup> June 2019 and a Breach of Condition Notice (BCN) was issued on 24<sup>th</sup> June 2019, requiring the submission of revised or additional details relating to the haul road, vehicle parking and skip storage areas and oil, diesel and petrol interceptor.



Photo 2. - existing northern boundary and haul road.

19. No further details relating to the discharge of this condition have however been submitted in response to the BCN and the only response received from the applicant's agent is to repeat the previous comments submitted relating to the lack of need for the improvements to the haul road and other surfaces.
20. The applicant's failure to provide satisfactory details in order to discharge the outstanding condition and the absence of a further planning application which removes the vehicle and skip parking and storage uses means that it may be

possible to pursue further legal proceedings at this stage. However, it is considered that the legal advice that has been provided in relation to condition 14. in relation to the BCN needing to specify the approval of appropriate details through a discharge of condition application, would also apply to this condition. Therefore, in order to avoid any technical difficulties in pursuing further legal action that may be required, it is therefore intended that a further BCN is issued in respect of this condition which includes these specific requirements.

#### Current Position – Including the Investigation of Recent Complaints

21. In addition to the matters detailed above, the Council has also undertaken a recent investigation in relation to new complaints received, firstly in relation to the siting of a generator near to the western boundary and the commencement of a paper shredding operation at the site. The investigation of these complaints has confirmed further breaches in relation to conditions 2. (restriction on use to receipt, sorting, storage and export of non-hazardous waste) and 13. (operational generator). The current position and proposed actions in relation to these conditions is detailed below.

#### Condition 13. – Location of Operational Generator

22. A recent site inspection has confirmed that the previous operational generator (which is not currently in use) has been re-located from its previously approved location within Hangar A, to an external location to the south-west of the building and a further temporary operational generator (currently in use) has also been located towards the western boundary. This is considered to be contrary to condition 13. which requires *'The number of operational generators in use on the site shall be limited to one and that generator shall be permanently housed within Hangar A in accordance with plan number 007/B – Generator.'*



Photo 3. - temporary operational generator - located to south-west of Hangar A.

23. Whilst the owner of the site has advised that this relocation is only intended for a temporary period of up to 6 months until a permanent electricity supply is installed, the use of an operational generator in this location outside the confines

of Hangar A and without any apparent noise insulation has already been reported as causing a noise nuisance for the occupiers of the caravan park. It is therefore considered that the retention of the operational unit in this location, even for a temporary period, is not acceptable. It is therefore intended that a Breach of Condition Notice is issued to require the operational generator to be permanently housed within Hangar A and removed from its current location.

#### Condition 2. - Operation of a New Paper Shredding Facility

24. The site inspection has also confirmed that a new paper shredding operation has commenced in Hangar A, in addition to the material recovery facility for which planning permission was previously granted (2017/00329/FUL), although this was not in operation at the time of the site visit. As condition 2. of the existing planning permission restricts the use of the site for 'the receipt, sorting, storage and export of non-hazardous waste' and the paper shredding operation does not fall within that description, this use is considered to require planning permission and to be operating in breach of that condition.
25. Whilst it is considered possible that the inclusion of a paper shredding operation could be an acceptable use within the building as this is considered to constitute a class B1 use and would therefore generally be less harmful than the existing material recovery use (class B2), it is considered that the specific nature of that process and the end product (in the form of compacted paper) may increase the risk of fire at the premises. As a result, it is considered that the review and potential revision of the existing Fire Prevention and Mitigation Plan and Strategy for the site (which was previously approved under condition 9. of application 2017/00329/FUL) would need to be undertaken and any recommendations implemented, before this use would be considered acceptable in planning terms. In this respect, consultation with both NRW and the South-Wales Fire Service has been undertaken and verbal confirmation from the South-Wales Fire Service supports this position. Therefore, in the absence of an appropriate planning application to regularise this position, it is considered that the paper shredding operation without satisfactory fire prevention controls is unacceptable. It is therefore intended that a Breach of Condition Notice is issued to require the use of the site to be restricted to the receipt, sorting, storage and export of non-hazardous waste materials and the use of the site for paper shredding to cease.

#### Conclusions

26. Since planning permission was granted under application 2017/00329/FUL, the Council has secured the satisfactory resolution of a number of breaches of the conditions on the consent included, details in relation to a fire prevention and mitigation strategy, external lighting and the permitted hours of operation. Whilst two conditions remain outstanding (fire resistant acoustic fence and the surfacing of the haul road, vehicle parking and skip storage areas and the installation of an oil, diesel and petrol interceptor), the issuing of a further Breach of Condition which contains specific requirements in respect of the discharge of these conditions is anticipated to secure a satisfactory resolution.
27. The two further breaches of condition identified as a result of further recent investigations undertaken at the site will also be included in the Breach of Condition Notice to ensure that the Council can maintain control over the use of the site and to prevent the risk of fire and any unacceptable harm to nearby residential uses.



### Resource Implications (Financial and Employment)

28. 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)

29. The Enforcement Action referred to 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)

30. None.

### RECOMMENDATION

- (1) That the Members of the Planning Committee note the contents of this report and the action that has been taken to resolve the current breaches of planning control at Siteserv Recycling, Llandow Trading Estate, Llandow.

Reason for the Recommendation:

- (1) To inform member of the Planning Committee of the latest position in relation to enforcement matters at Siteserv Recycling, Llandow Trading Estate, Llandow.

### Background Papers

Enforcement File Ref: ENF/2018/0016/CLL

Contact Officer – Sarah Feist, Tel: 01446 704690

### Officers Consulted:

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

MARCUS GOLDSWORTHY  
HEAD OF REGENERATION AND PLANNING