

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **20 NOVEMBER, 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:

2019/0011/PO	AC	Ton Y Rian, Ty'r Winch Road, Old St. Mellons,	Proposed single storey rear extension, with internal structural alterations and associated external works
2019/0020/PO	AC	56, Woolaston Avenue, Cardiff.	Proposed single storey rear and side extensions. Dormer extensions to front and rear roof slope. Re-cladding on frontal elevation and all associated external works
2019/0021/PO	AC	93, Fairwater Road, Cardiff.	Proposed single storey rear extension, internal ground floor structural alterations; all with associated external works
2019/0772/BR	AC	The Former Royal British Legion Club, High Street, Cowbridge.	Construction of single 3 storey residential block comprising of 6 x 2 bed apartments and 2 x 3 bed duplex apartments
2019/0803/BN	A	53, St. Brannoeks Close, Barry	Single storey extension to enlarge kitchen with utility room and toilet
2019/0844/BR	A	Coed Ceirios, Penmark.	To extend to side and rear ground floor new living / breakfast room and kitchen, to remove flat roof to existing first floor rear dormer and construct new pitch roof and re clad walls

2019/0850/BR	AC	Mount Pleasant Farm, Llangan.	Workshop extension to existing garage
2019/0867/BN	A	13, Pencoedtre Road, Cadoxton, Barry.	Orangery extension
2019/0894/BN	A	26, Forrest Road, Penarth.	Knock through kitchen / dining room and 2 extensions (single storey and 2 storey atrium)
2019/0897/BR	A	Meadow View, Crossways, Llanblethian	Two storey front extension.
2019/0898/BR	AC	34, Coleridge Avenue, Penarth.	Hip to gable loft conversion with rear dormer
2019/0902/BN	A	1, Stradling Close, Sully.	Garage conversion
2019/0906/BR	AC	14, Winston Road, Barry.	Construction of single storey side extension to allow enlargement of kitchen and placement of garage with downstairs w/c
2019/0907/BR	AC	3, Turnpike Close, Dinas Powys.	Single storey garage extension
2019/0909/BR	AC	Plas Y Bryn, The Lane, St. Nicholas.	Single storey side extension
2019/0910/BN	A	9, Fforest Drive, Barry.	Replacement conservatory roof with guardian warm roof
2019/0911/BN	A	Llansdowne, St. Hilary.	Reconstruction of an existing single rear extension and associated internal works
2019/0912/BR	AC	36, Plas Taliesin, Penarth.	Demolish existing front porch and construct new porch at lower level, remove French doors at side and rear and replace with bi-fold doors
2019/0913/BN	A	7, Main Avenue, Peterston Super Ely	Demolition of flat roofed utility room and replace with a pitched roof single storey kitchen extension. Replacement of dormer with pitched roof

2019/0914/BN	A	21, Clos Yr Wylan, Barry.	Remove internal supporting wall. Install steel beam - supporting Pryda span flooring above
2019/0915/BN	A	49, Porthkerry Road, Rhoose	Creation of 2 no new windows to side of house on ground floor with WC
2019/0916/BN	A	49, Southey Street, Barry	Re roof and garden wall
2019/0917/BN	A	57, Nant Talwg Way, Barry	Partial upgrade of existing room within garage area
2019/0918/BN	A	25, Plymouth Road, Penarth.	Replacement upvc double glazed windows
2019/0919/BN	A	2, Park Road, Dinas Powys.	Replacement upvc double glazed windows
2019/0921/BN	A	Old Orchard, Merevale, Dinas Powys.	2 lots of steels in ground floor and roof lights
2019/0922/BN	A	16, West Terrace, Penarth.	Single storey extension, loft conversion with dormer and replacement of window
2019/0923/BN	A	The Workshop, 6, Robins Lane, Barry	Repair to fire damaged roof
2019/0924/BR	AC	St. Andrews Major Primary School, St. Andrews Road, Dinas Powys.	Demolition of existing free standing demountable classroom unit. Supply and installation of new replacement modular classroom unit - 7.8m x 12m. New classroom consists of 3 no WC's, lobby, accessible WC, classroom (with kitchenette) and 2 no. store rooms
2019/0925/BN	A	141, Plymouth Road, Penarth.	2 Storey rear extension, SS rear extension, FF extension over existing and loft conversion
2019/0926/BN	A	42, Wimbourne Close, Llantwit Major.	Knock through
2019/0930/BR	AC	9, Knowbury Avenue, Penarth. CF64 5RX	Demolish existing roof of hallway and partially

			remodel existing ground floor. Proposed new rear extension and pitched roof on hallway at ground floor. Internal alterations at ground. Relocate boiler to ground floor WC
2019/0931/BN	A	2, Old Cogan Hall Cottages, Sully Road, Penarth.	Remove and replace patio doors, widen opening to allow bigger door to allow more light into the house. This involves removing part of the wall and rebuilding.
2019/0932/BN	A	56, Glebe Street, Penarth.	Loft conversion
2019/0933/BN	A	7, Myrtle Close, Penarth.	Single storey extension to enlarge dining area and downstairs toilet wet room
2019/0934/BN	A	The Stables, Southerndown Farm, Southerndown.	Installation of staircase enclosing off ground floor
2019/0935/BN	A	23, Lord Street, Penarth.	Stabilisation of gable end wall by installation of lateral restraint straps. Formation of expansion joint
2019/0938/BN	A	Rock House, Chapel Terrace, Twyn Yr Odyn	Removing stone wall and opening it up and fitting padstones and steels to internal wall to engineers specification
2019/0939/BN	A	8A, John Street, Penarth.	Combine 2 rooms into one, install patio door and enlarge rear window opening for new window
2019/0940/BN	A	26, Four Acre, Llantwit Major.	Single storey side and front extension
2019/0941/BN	A	34, Ivy Street, Penarth.	Removal of wall and install lintel and removal of two chimney breasts
2019/0942/BN	A	6, Lower Cwrt Y Vil Road, Penarth.	Replace lintel to rear elevation
2019/0946/BN	A	2, Ceri Avenue, Rhoose.	Two storey extension to existing property

2019/0948/BN	A	34, Clos Tyniad Glo, Barry.	Garage conversion
2019/0950/BN	A	Flats 1-5, Butt Lee Court, Buttrills Road, Barry.	Re Roofing
2019/0951/BN	A	47, Lavernock Road, Penarth	Raise flat roof and replace with new materials. New doors and window, replace wooden lintel with steel beam.
2019/0954/BN	A	73, Maes Y Cwm Street, Barry	Change of sloping roof to flat roof on lead-to and renovation of rear
2019/0955/BN	A	1, Radnor Green, Barry	Re-roof

(b) Building Regulation Applications - Reject

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

2019/0927/BN	R	4, Caynham Avenue, Penarth.	Single rear extension
2019/0945/BN	R	27, Port Road East, Barry.	Proposed single storey rear extension and internal alterations
2019/0958/BN	R	37, Glen Mavis Way, Barry	Single storey rear kitchen extension

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

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

2019/0145/AI	A	16, Rhodfa'r Morwydd, Penarth	Proposed dormer loft conversion at second floor level to create habitable room (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0146/AI	R	Master Mariner, 1, Skomer Road, Barry.	Internal alterations to existing premises to enlarge kitchen (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

2019/0147/AI	A	5, Westgate, Cowbridge	1 No. residential unit
2019/0148/AI	A	1-3, Adenfield Way, Rhoose	Proposed construction of 2 No. detached dwellings
2019/0149/AI	A	91, Llanmaes Road, Llantwit Major.	Alteration to existing loft conversion to include new dormer construction, internal alterations and associated works
2019/0150/AI	A	23, Clevedon Avenue, Sully, Penarth.	Proposed single storey rear extension, side dormer extension to attic room with rear balcony and conversion of detached garage to create habitable room (works to include material alterations to structure, controlled services, fitting and thermal elements)
2019/0151/AI	A	12, Upper Cosmeston Farm, Penarth.	First floor side extension (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0152/AI	A	10, St. Cadocs Avenue, Dinas Powys.	Material alterations to dwelling (replacement conservatory roof with solid warmer roof and replacement conservatory door/window frames)
2019/0153/AI	A	25, Sir Ivor Place, Dinas Powys	Single storey rear extension and associated works
2019/0154/AI	A	15, Millbrook Heights, Dinas Powys.	New external first floor structural opening (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0155/AI	A	Ty Carrig, City, Cowbridge	Construction of a detached garage

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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

2014/00229/3/C D	A	South Quay, Barry Dock, Barry	Discharge of Condition 19 - The development shall at all times be carried out in accordance with the Phasing Plan Document registered on 2 September, 2019 in association with application 2014/00229/1/NMA and the following associated plans, received on 18 June 2019 with application 2014/00229/EAO: Barratt Homes - Occupation Plan, Construction Slab Plan, Construction to First Fix Plan. Taylor Wimpey - First Fix Phasing Plan, Occupation Phasing Plan,
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			Superstructure Phasing Plan. Persimmon Homes - Residual Market Units Plan
2014/00229/4/C D	A	Land at Barry Waterfront, Barry	Discharge of Condition 19 - Marketing Strategy - Planning Permission ref. 2014/00229/EAO: 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). 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 -
2014/00914/1/C D	A	Former Ogmore by Sea Caravan Park, Main Road, Ogmore by Sea	Discharge of Conditions 5- Vehicular and Pedestrian Access, 7 - Hazelwood Footways, 9 - Details of Footway, 12 - Wheel Washing, 13 - Travel Plan, 14 - Finished Levels, 15 - Drainage, 16 - Surface Water Drainage and 22 - External Lighting. Planning Permission ref. 2014/00914/FUL : Removal of Condition 6 of planning permission 2009/01273/OUT
2014/01424/3/C D	A	St. James Gardens Residential Development, St. James Road, Wick	Planning Permission Reference: 2014/01424/1/CD Proposal: Discharge of Condition 26 - Public Art Location: Land off St. Brides Road, Wick



2014/01424/5/N MA	A	St. James Gardens Residential Development, St. James Road, Wick	Non Material Amendment- Update of public art proposals after planning permission has been granted. Planning Permission Ref: 2014/01424/FUL: Change of use of agricultural land to residential development (C3) including the development of 124 residential dwellings, public open space, landscaping, highway improvements and associated engineering works
2015/01226/3/C D	A	77, Romilly Park Road, Barry	Discharge of Condition 16 - Post construction sound insulation assessment. Planning Permission ref. 2014/00071/FUL: Proposed construction of four dwellings with access, on site parking and amenity facilities
2016/00305/5/C D	A	A4226, Five Mile Lane, Barry	Discharge of Conditions 7 (Vegetation clearance) and 21 (Landscaping scheme) of Planning Permission ref. 2016/00305/RG3
2017/00291/1/C D	A	Greenyard Farm, Argae Lane, St. Andrews Major	Discharge of Conditions 7 (Bird Nesting Mitigation), 9 (Drainage Scheme), 10 (Contamination Testing), 11 (Remediation Scheme), 16 (CEMP) and 18 (Bin Waste Collection) of Planning Permission 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
2017/00476/1/C D	A	Westhaven 3 (Dockside Quay), Barry Waterfront, Barry	Discharge of Conditions 2- Road Construction Details (new residential development), 6-Schedule of Materials in construction (incl. samples), 9-NS - details of screen walls, enclosures etc. & 10-NS - Landscape Management Programme
2017/00476/4/C D	A	Dockside Quay, Barry Waterfront	Discharge of Conditions 2 - Engineering, 3 - Lighting and 13 - Shop Front Design. Planning Permission ref. 2017/00546/RES: Development of the site known as Dockside Quay for residential development, A3 units and associated infrastructure works, parking, and landscaping
2017/00564/11/C D	A	Northern Access Road, St. Athan	Discharge of Conditions 3 - Junction Modelling and 4 - Highway Mitigation Measures. Planning Permission ref. 2017/00564/FUL: Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations

2017/00564/12/C D	A	Northern Access Road, St. Athan	Discharge of Condition 9 - Highway Condition Survey (Post Construction) and 10 - Repairs to the adopted highway of Planning Application 2017/00564/FUL
2018/00465/1/N MA	A	7, Marine Parade, Penarth	Non-Material Amendment - Replace part timber cladding with glazing to front elevation. Planning Permission ref. 2018/00465/FUL: Complete demolition of existing garage building to be replaced with new indoor swimming pool structure
2018/00478/1/N MA	A	13, St. Peters Road, Penarth	Non-Material Amendment - Replacing the large roof window to single storey extension with 2 No. roof lights 3 No. additional roof lights to double storey extension roof. Planning Permission ref. 2018/00478/FUL: Proposed two storey extension, single storey extension and loft conversion with dormer window
2018/00913/1/C D	A	Corner plot on Merthyr Street and Belvedere Crescent, Barry	Discharge of Condition 12- Affordable Housing. Planning Ref 2018/00913/FUL: The erection of 9 flatted residential dwellings over 3 storeys and associated works at Corner plot on Merthyr Street and Belvedere Crescent, Barry
2018/01054/FUL	A	12, Marine Parade, Penarth	Existing coach house to the rear of the property to be altered and renovated, existing driveways to be

2018/01231/2/N MA	A	Cwrt Canna, Land adjacent to Llangan Primary School, Ruthin Road, Llangan	reinstated with additional car parking spaces to the rear of the property and a carport to the rear of the property
2018/01231/3/N MA	A	Canna Studio, Land adjacent to Llangan Primary School, Ruthin Road, Llangan	<p>Non Material Amendment- The applicant is seeking to make amendments to the fenestration of the approved development. As such, an amendment to Condition 02 of Planning Permission 2018/01231/FUL is sought- Planning Permission Ref:- Residential-led mixed use development comprising of 13 affordable homes, 2 additional office buildings, a community building and ancillary development including landscaping, drainage, car parking, creation of a new vehicular access and other associated infrastructure</p> <p>Amendments are required to the doors and windows of the proposed detached bungalow on Plot No.7. As such, an amendment to Condition No. 2 of Planning Permission 2018/01231/FUL: Residential-led mixed use development comprising of 13 affordable homes, 2 additional office buildings, a community building and ancillary development including landscaping, drainage, car parking, creation of a new vehicular access and other associated infrastructure at Cwrt Canna, land adjacent to Llangan Primary School, Llangan.</p>

2018/01313/FUL	A	University Hospital Llandough, Penlan Road, Llandough	Proposed retention, refurbishment, and extension, of existing building for the All Wales Cystic Fibrosis Centre
2018/01343/1/N MA	A	The Court House, High Street, Llantwit Major	Non-Material Amendment - To change the timber frame construction to dense blockwork. Planning Permission ref. 2018/01343/FUL: Over cladding of rear, two storey 1950s prefabricated extension with timber studs and render to match existing colour and finish
2018/01427/FUL	A	Plasnewydd Farm, Cowbridge Road, Llantwit Major	Demolition of existing block built agricultural shed and replacement with modern specification, oriented North-South to improve usable yard space
2019/00062/FUL	A	Land between Penarth Heights and Terra Nova Way, Penarth	Proposed regrading and engineering works to resolve landslip with associated works and construction of steps
2019/00080/1/C D	A	Land off Heol Las, Wick	Discharge of Condition 3 (Landscaping) and Condition 5 (Parking Layout) of Planning Permission 2019/00080/FUL
2019/00162/1/C D	A	Penllyn Estate Farm, Llwynhelig, Cowbridge	Discharge of Condition 8 - Details of Entrance wall and gates. Planning Permission ref. 2019/00162/FUL: Erection of a new building to house a farm shop, cafe and associated facilities along with a new carpark and private access track from the A48. The application is

			a replica of that already approved under 2018/00607/FUL with amendments to the internal layout and the enclosing of the loading bay with a fence
2019/00178/FUL	A	222, Holton Road, Barry	Conversion of existing building into five apartments including alterations to existing windows and the addition of new windows
2019/00263/1/N MA	A	23 Station Road, Penarth	Non-material Amendment- To take down party wall 23/24 Station Road and incorporate new cavity wall in proposed extension to both properties. Planning Application- 2019/00263/FUL: Demolish existing lean to utility room/outbuildings and construct new single storey extension to accommodate sun lounge/breakfast room and toilet
2019/00276/LBC	A	Gileston Manor, Gileston Road, Gileston	Proposed alterations to listed wall and summerhouse
2019/00290/FUL	A	Playing Fields, Windmill Lane, Frampton, Llantwit Major	Install a stand containing 150 seats and two dugouts inside ground at Windmill Lane and complete pathed area around the pitch.
2019/00426/1/N MA	A	Gelert West, 2, St. Augustines Crescent, Penarth	NMA- French doors with screen Planning Permission 2019/00426/FUL-Construct single storey sun room to rear
2019/00435/1/C D	A	Whitmore High School, Port Road West, Barry	Discharge of Condition 9 - CEMP. Planning Application ref.

			2019/00435/RG3: Construction of a replacement secondary school building with associated playing fields and parking at the site of the existing Whitmore High School and the demolition of the existing secondary school building upon completion
2019/00449/FUL	A	Telephone Exchange, Grove Terrace, Penarth	Installation of aluminium louvres on five windows on the south-west elevation of the exchange
2019/00588/FUL	A	1, St. Augustines Place, Penarth	Single storey extension to rear of existing house. Demolition of existing garage and construction of new garage with workshop storage and new garden / roof terrace
2019/00642/FUL	A	Highbury, 7A, Beach Road, Penarth	Ground and first floor extensions to rear of the building and first floor extension on existing lobby, balcony on East elevation with access from the attic
2019/00713/1/N MA	A	Ty Shwllac, Heol Shwllac, St. Brides Major	Non-Material Amendment - External changes to the approved fenestration and access arrangements. Planning Permission ref. 2019/00713/FUL: Single storey side and rear extension
2019/00733/FUL	A	Argoed Uchaf, Llanharry	Demolition of the Existing Two Storey Dwelling and Proposed Replacement Dwelling
2019/00736/FUL	A	Halsden, 172, Port Road, Barry	Proposed single storey extension to side and rear and loft conversion

			including dormer and new gable
2019/00745/1/N MA	A	2 Pinklands, Church Road, Llanblethian, Cowbridge	Non-Material Amendment - Change external finish from render to Cedar cladding, new French door to first floor rear elevation and new window to side elevation first floor. Planning Permission ref. 2019/00745/FUL: New single storey and two storey extension to rear and new porch to front
2019/00774/FUL	A	163, Stanwell Road, Penarth	Dropped curve at the front of the house, remove garden wall, to give access to car parking space in front of the house
2019/00775/FUL	A	6, Baroness Place, Penarth	AMENDED PLANS: Conversion of hip to gable roof with full width dormer to the rear and single storey ground floor extension to the rear, circular window in existing front gable, Velux to front, enlarged first floor WC window at rear and new utility door to side elevation.
2019/00776/LAW	A	Top Flat, 3, Clive Crescent, Penarth	Use of second floor flat, also known as the top flat, as a separate residential dwelling
2019/00783/FUL	A	Llanquian Road, Aberthin	Provision of 6 holiday log cabins, treatment plant drainage and associated works
2019/00810/FUL	A	35, Llanmaes Road, Llantwit Major	Single storey extension to front, side and rear of the existing dwelling



2019/00813/FUL	A	15, Sully Terrace, Penarth	Proposed bay window and canopy to front elevation. New single storey extension to rear
2019/00822/FUL	A	Bojangles, 13, Washington Buildings, Stanwell Road, Penarth	Change of Use of existing A1 retail premises to D1 podiatry and chiropody clinic with adjustment to front door location and associated internal alterations.
2019/00826/ADV	R	TimberMart UK Ltd t/a Thomson & Son, 4, Sully View, Cardiff Road, Barry	Mounted on 3.0m high posts, a sign to display company name/description approx.. 4.0m wide. Top of sign 3.0m from floor, 1.0m down
2019/00831/FUL	A	148, Redlands Road, Penarth	Demolition of existing kitchen and bathroom, construction of new kitchen / dining / living room and first floor bathroom together with internal alterations
2019/00851/FUL	A	Keepers Cottage, Llandough	The application amends a previously consented scheme which was to build a garage and off road parking at road level. This application is to vary the previous scheme by omitting the garage from the proposal and proceeding with the off road parking in isolation
2019/00859/FUL	A	The Laurels, Graig Penllyn	Change of garage door to a set of bi-folds
2019/00863/FUL	A	Orchard Cottage, Leckwith Road, Leckwith	Replacement garage
2019/00864/FUL	A	Orchard Cottage, Leckwith Road, Leckwith	Proposed single storey extension with basement

2019/00866/FUL	A	Ty Carrig, City	Construction of garage
2019/00867/FUL	A	25, Pwll Y Min Crescent, Peterston Super Ely	Proposed rear extension and dormer extension
2019/00868/FUL	A	67, Highwalls Avenue, Dinas Powys	Proposed first floor side extension, loft conversion and other alterations to property
2019/00870/FUL	R	Baobab, Highlight Lane, Barry	Vehicle access road
2019/00873/FUL	A	Awel Fan, Aberthin Lane, Aberthin	Demolition of existing flat roof two storey extension and construction of new two storey pitched roof extension to front of existing dwelling as well relocation of detached garage and minor external works
2019/00897/LBC	A	Dyffryn Gardens, St. Nicholas	Alteration work to the garden and bothies include the removal of a brick wall to create a doorway, the installation of a Belfast sink c/w water supply and drainage. The removal of 1m <sup>2</sup> of engineering brick to an internal ramp and replace with a softer brick, the alteration of a modern racking system in the potting shed area. Change one set of double doors, reintroduce one garden entrance door and replace one arched entrance door. Reintroduce a stone finial above the adjoining upper and lower garden door. Introduce a butyl lining to the dipping ponds
2019/00898/FUL	A	8, Handel Close, Penarth	Demolition of existing rear garage structure, and proposed two and single storey extension(s) to rear

			and side, with porch roof structure to frontal elevation; alterations to wall cladding and fenestration details all with associated external works
2019/00907/FUL	A	10, Borough Avenue, Barry	Double extension on side off existing property
2019/00908/FUL	A	Dyffryn Gardens, Duffryn Lane, Dyffryn	The reintroduction of a Mawson style green house to the lower walled garden
2019/00909/LBC	A	Dyffryn Gardens, Duffryn Lane, Dyffryn	The reintroduction of a Mawson style green house to the lower walled garden
2019/00913/FUL	A	8, The Heathers, Barry	Proposed canopy above main entrance and existing vehicular access widened complete with additional parking to front
2019/00914/FUL	A	Site to rear of No. 2 Barry Road, Barry	Proposed retention of dwelling as built (Original approval 2011/00429/FUL)
2019/00917/1/C D	A	29, Clevedon Avenue, Sully	Discharge of condition 3 - Samples of metal sheeting and cladding. Planning permission ref. 2019/00917/FUL: The proposal is for a garden room with storage to be installed in the place of a static caravan that was being used as a shed/ for storage
2019/00923/FUL	A	Danygraig, Sutton Road, Ogmore By Sea	We wish to replace the existing boundary wrought iron fence with a 30 metre breeze block Wall and pillars to match the house, rendered and painted white along the front of our property and install a 1.5 metre wide gate into one end of the wall for access

2019/00927/FUL	A	24, Elm Grove Road, Dinas Powys	1 storey rear extension, 2 storey infill to the side return with windows added to side elevation. Wall moved to straddle boundary
2019/00930/FUL	A	Caia Barn, St Nicholas	Proposed garden room
2019/00931/FUL	A	Cradleigh, Swanbridge Road, Sully	Two storey side and rear extension with balcony above, external staircase to side and new front access gates
2019/00933/FUL	A	Land at Spring Meadows, Llandow, Cowbridge	Provision of a manege
2019/00935/FUL	A	Dickens, 26, Forrest Road, Penarth	Two storey side extension and single storey front extension
2019/00940/FUL	R	Elmhurst, Porthkerry	Proposed outbuilding to house existing swimming pool and provide gymnasium / games room
2019/00944/FUL	A	Cog Moors Wastewater Treatment Works, Cardiff Road, Dinas Powys	Installation of items of plant and equipment, comprising lightning conductor poles and replacement of two previously approved export silos
2019/00955/FUL	A	5, Grove Place, Penarth	Single storey rear extension and loft conversion with dormer to rear
2019/00956/FUL	A	17, Cwrt Y Vil Road, Penarth	Single storey rear extension
2019/00958/FUL	A	Parkstone House, 23, Park Avenue, Barry	Change of use from B1 (offices) to C3 (residential)
2019/00959/FUL	A	143, St. Davids Crescent, Penarth	Construction of single storey rear extension

2019/00965/FUL	A	13, Station Road, Rhoose	Proposed single storey external store
2019/00966/FUL	A	12, Archer Terrace, Penarth	Two storey side extension, single storey rear extension and first floor rear extension with alterations to replace an earlier extension to an existing dwelling
2019/00971/FUL	A	19, Hensol Villas, Hensol	Two storey rear extension with Juliet balcony, first floor side extension and remodelling of existing house including an integral garage, new entrance and bay window to front
2019/00974/ADV	A	Starbucks Drive Thru, Brooklands Retail Park, Culverhouse Cross, Cardiff	Car park, building and drive thru' signage to a new Starbucks site
2019/00977/FUL	A	Mayfields, St. Quentins Close, Cowbridge	First floor rear extension with Juliet balconies, two dormers to front, new first floor side elevation windows and other alterations to existing house. Upgrading of garage/storage building to form garage and granny annexe ancillary to main building.
2019/00980/LAW	A	93, Queens Road, Penarth	A flat roof rear dormer loft conversion to include one Velux window to the front elevation. Rendered to match the existing house colour
2019/00981/FUL	A	186, Redlands Road, Penarth	Two storey extension to side and rear of property
2019/00982/FUL	A	Rockside, 18 Maes-y-Coed, Barry	To construct new first floor sun lounge located on existing veranda

2019/00983/LAW	A	Ton Y Pwll, Prisk Lane, Maendy	Alterations to rear and side elevations of property, Footprint to remain the same.
2019/00987/FUL	A	1, Anchor Road, Penarth	Installation of sliding doors to ground floor rear elevation, removal of existing first floor bay window and installation of first floor balcony and patio doors to rear elevation; conversion of part of garage to shower room
2019/00995/FUL	A	65, Plymouth Road, Penarth	Change the existing windows to both front and rear elevations to white wood grain uPVC Roseville Ultimate Rose double glazed sash windows.
2019/00997/FUL	A	13, Archer Road, Penarth	Replace single glazed timber sash window units to the rear with PVC double glazed units that match the appearance of the original. Door sets to the rear will also be replaced with modern PVC units
2019/01021/FUL	A	30, Windsor Terrace, Penarth	Proposed single storey extension to rear of property
2019/01032/FUL	A	Honeysuckle Cottage, Colwinston	A room on the back of the kitchen of 1.5m x 5m wide to house the pump plant
2019/01051/FUL	A	13, Porlock Drive, Sully	Single storey rear extension and garage conversion to habitable space
2019/01053/FUL	A	12, Shakespeare Avenue, Penarth	Demolition of existing lean-to conservatory and erection of proposed single storey lean-to rear extension

2019/01083/FUL	A	Pebbles, 3, Weston Avenue, Sully	Enlargement to front porch, front dormers, rear dormer, single storey rear extension and balcony to rear
2019/01091/FUL	A	81, Blackberry Drive, Barry	Tiled roof entrance porch to front of dwelling

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **20 NOVEMBER 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2019/00512/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 19/3239011  
Appellant: Froxfield Village Ltd  
**Location:** **Great House Yard, Southerndown**  
Proposal: Demolish existing dwelling and workshop.  
Construct new 4 bed house/rural workshop  
Start Date: 17 October 2019

LPA Reference No: 2019/00347/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 19/3239582  
Appellant: Mr Robert Warlow  
**Location:** **Church Hall, Chapel Row, Dinas Powys**  
Proposal: Change of use from a chapel (D1 Non-residential institution) to an office (B1 Business)  
Start Date: 25 October 2019

LPA Reference No: 2019/00779/HH  
Appeal Method: Written Representations  
Appeal Reference No: T/19/3239648  
Appellant: Mrs. Yvonne Levitt,  
**Location:** **131, Fontygary Road, Rhoose, CF62 3DU**  
Proposal: High hedge  
Start Date: 28 October 2019

LPA Reference No: 2019/00702/FUL  
Appeal Method: Written Representations  
Appeal Reference No: D/19/3240164  
Appellant: Mr & Mrs JM and HW Watt  
**Location:** **28, Plymouth Road, Penarth**  
Proposal: Remove part of a front boundary wall so as to provide a turning area for a vehicle to exit in forward gear  
Start Date: 5 November 2019



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(b) Enforcement Appeals Received

LPA Reference No: ENF/2019/0161/PC  
Appeal Method: Written Representations  
Appeal Reference No: C/19/3238684  
Appellant: Mr Sam Lewis  
**Location: The Watering Hole, 6, St. Nicholas Road, Barry**  
Proposal: Without planning permission, the material change of use of the Property from an A1 (Retail) use to an A3 (Food and Drink) use as a coffee shop and wine bar.  
Start Date: 23 October 2019

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(c) Planning Appeal Decisions

LPA. Reference No: 2018/01436/FUL  
Appeal Method: Written Representations  
Appeal Reference No: D/19/3235670  
Appellant: Mr Kenny Willan  
**Location: 42, Stanwell Road, Penarth**  
Proposal: Alteration to existing lower rear dormer to provide a reduced sized dormer on the roof of the existing rear annexe  
Decision: Appeal Dismissed  
Date: 15 October 2019  
Inspector: H. C. Davies  
Council Determination: Delegated

**Summary**

The main issue was considered to be whether the development would preserve or enhance the character or appearance of the Penarth Conservation Area (CA).

The proposal sought to alter an unauthorised dormer as built, which comprises an 'L' shaped dormer constructed across the rear roof plane of the main dwelling which had been subject to enforcement action. Various applications to reduce the scale of the development had been refused and dismissed on appeal however in 2017, an application to retain part of the dormer extension was approved but had yet to be implemented.

This proposal sought to address concerns with a scheme dismissed at appeal in 2018 (APP/Z6950/D/18/3206458) which proposed retaining the larger dormer as approved and reducing the height of the lower dormer with a stepped upstand element to provide headroom for an internal staircase. The Inspector had in that case concluded that the proposal represented an unsympathetic addition which failed to respect the design or form of the host

dwelling and would have a significant adverse impact on the property, its roof scape and its immediate context when viewed from Grove Terrace. The current appeal proposed to remove the upstand.

The appeal property is a traditional mid-terrace, two storey dwelling located within the Penarth CA on the southern side of Stanwell Road and whilst the rear roof plane of the appeal property was not visible from Stanwell Road, it would be clearly visible from Grove Terrace.

The Inspector identified that this part of Stanwell Road consists of two and three storey Victorian houses, the majority of which have retained their original features and contribute to the consistent architectural framework which is summarised as one of the defining characteristics of the CA in the Penarth Conservation Area Appraisal and Management Plan Supplementary Planning Guidance 2011 (SPG). It was also noted that whilst that there have been a number of extensions and alterations to the properties in the surrounding area, the properties retain the traditional character and features that give the area its special interest.

The proposal involved a reduction in the height of the lower dormer so that it would align just above the ridge height of the existing rear annexe. Overall, it was considered that the development would be visually dominant and the box-like form of the development would represent a bulky and top-heavy addition which would fail to respect the traditional design and form of the host dwelling. The Inspector identified that the combined effect of both dormers would continue to represent an unsympathetic form of development which would have a significant adverse impact on the property, its roof scape and immediate locality.

It was therefore concluded that the proposal would fail to preserve or enhance the character or appearance of the Penarth CA and would, contrary to policies the Council's Local Development Plan (LDP). Whilst acknowledging the personal circumstances of the appellant and that the appeal scheme would provide additional living space for the occupants, the Inspector did not consider that this did not outweigh the identified harm and therefore dismissed the appeal.

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LPA Reference No:	2019/00513/FUL
Appeal Method:	Written Representations
Appeal Reference No:	19/3234596
Appellant:	Mr Gregory White
<b>Location:</b>	<b>Apple Blossom Cattery, Land at Nant Rhydhalog, Cowbridge</b>
Proposal:	To convert a section of existing animal grooming parlour to new ladies/ unisex hairdresser Class A1
Decision:	Appeal Dismissed
Date:	17 October 2019
Inspector:	Richard Duggan
Council Determination:	Delegated

## Summary

The main issue was considered to be whether the location of the proposed development is appropriate having regard to national planning policies which aim to protect the vibrancy, attractiveness and viability of retail and commercial centres.

The building to be converted was part of an existing cattery business located approximately 0.5 miles from Talygarn and about 1 mile from the edge of Pontyclun. The building was occupied on one side by the cattery reception which was to be retained, with the remainder being vacant. The Inspector noted the Council's concerns that allowing the proposed change of use would undermine or harm the viability and vitality of nearby retail centres and evidence had been provided of the vacancy rates of ground floor retail units (Class A1) within Cowbridge which demonstrated that the percentage vacancy rates had increased from 3% in 2013 to 11.9% in 2019. He identified that no evidence had been provided by the appellant to counter the Council's information, nor had he been given any further justification that the proposal could not be located within a vacant unit within a nearby retail centre.

The Inspector identified that national planning policy is clear that new retail and commercial development should be located within existing centres and should be accessible by a choice of public and private modes of travel. He considered it clear that the proposed hairdressers would be located within an open countryside location and detached from the nearby shops and commercial premises found within the retail centres of Pontyclun and Cowbridge. It was also highly likely that the majority of customers would travel to the site by private car due to the limited public transport provision. Whilst the Inspector acknowledged that the number of vehicle movements to the proposed use could be no greater than the grooming parlour, this did not in his view, justify a departure from national policy which encourages retail and commercial uses such as hairdressers to be located within retail centres, where public transport links are more available for potential customers.

The Inspector was of the view that a retail unit in this location could lead to a harmful impact on the vibrancy and attractiveness of nearby retail centres, especially at a time when there are higher vacancy rates in areas such as Cowbridge, as evidenced by the Council. Although he took into account the appellant's submissions regarding the number and success of other hairdressers in the area, the opening of an additional salon could have a direct and detrimental impact on the viability of one or more of those businesses.

He therefore concluded that as the location of the proposed development was inappropriate having regard to national planning policies which aim to protect the vibrancy, attractiveness and viability of retail and commercial centres and that the development would also conflict with policies of the LDP, the appeal should be dismissed.

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LPA Reference No: 2019/00368/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 19/3232590  
Appellant: The Governors  
**Location:** **Stanwell School, Archer Road, Penarth**  
Proposal: Variation to Condition 6 of Planning Permission Ref. 2014/00427/FUL to extend the use of the pitch between 7.30 am to 21:00 Monday to Fridays (during the months March to October) and 8.30 am to 17.30 Saturdays & Sundays (all year round to include the use of floodlighting)  
Decision: Appeal Allowed  
Date: 21 October 2019  
Inspector: Aidan McCooey  
Council Determination: Committee

## **Summary**

The Inspector identified that the main issue was the effect of extending the hours when the pitch may be used on the living conditions of nearby residents by virtue of the impact of noise, lighting and traffic.

The Inspector noted that planning permission for the synthetic turf pitch (STP) was granted in 2014 subject to 8 conditions, however this decision related only to the hours of operation. The terms of the application were a variation of the hours of operation to allow use of the pitch from 07:30 to 21:00 on Mondays to Fridays (from 1 March to 1 October) and from 08:30 to 17:30 on Saturdays and Sundays (all year round). The reasons given for the requested changes were to allow for extra-curricular activities for pupils in the mornings and to assist with the smooth running of fixtures on the weekends.

It was acknowledged that the application was reported to the Planning Committee with a recommendation for approval, which was not accepted. Members relied on the evidence of local residents in refusing the application on the grounds of detrimental impact on residential amenity contrary to the LDP and the Council's case referred to a detrimental impact on residents in terms of noise, lighting impact and parking issues.

The Inspector identified that the school has extensive grounds and is located within the urban area and surrounded by residential properties. The STP is located to the southwest of the school buildings and is separated from dwellings on Stanwell Road by tennis courts, vegetation and the road itself.

It was identified that a Noise Impact Assessment was undertaken for the STP as part of the 2014 application and was based on activity noise levels at a larger facility, comprising shouting, whistles and ball impact noise. The conclusions reached were that the predicted noise levels were comfortably below these more restrictive guidelines and the Council's environmental health officers had confirmed that there would be no concerns on noise grounds. The Inspector noted that the objections related to a range of activities at the school premises and not just use of the STP, however no

complaints regarding noise had been made. He therefore concluded that the evidence demonstrate that the noise levels were acceptable and that the use of the STP for an additional hour a day would not have a significant impact on living conditions in relation to noise and disturbance.

He noted that the original 2014 application was also supported by a lighting impact study, which detailed measures to be employed to contain light spill outside the site and this had been found to be acceptable by the Local Planning Authority. The Inspector identified that the STP could be floodlit during the hours set out above and the application proposed an additional hour on weekends. The Council's environmental health officers had assessed the application and had no objection on these grounds and the evidence supplied by local residents did not persuade the Inspector that there would be a significant adverse impact as a result of the proposed additional hour of lighting at the weekends only.

In relation to additional traffic, the Inspector acknowledged that the highway authority had stated that the extended hours would not result in any additional traffic visiting the school. He also considered that the evidence of significant adverse impacts on residents' living conditions as a result of additional traffic movements specifically related to the appeal proposal was not convincing. He took the view that the levels of car parking had been assessed and were found to be adequate and the parking issues highlighted by residents appeared to relate to the wider use of the school and other activities. The appellants had also pointed out that during the early morning and evenings and weekends, the staff car park would be available for users of the STP. In reaching his conclusion, the Inspector noted that there were no highway objections to the proposal and considered that the impact of the proposal on highway safety and residents living conditions as a result of traffic would be acceptable.

The Inspector commented that the evidence of local residents and elected members was somewhat contradictory as several objections had stated that the STP was often not in use which demonstrated that there was no need for the proposed extended hours, however others referred to regular problems associated with the use. He also identified that some of the concerns expressed related to other aspects of the school's activities and that the allegations of anti-social behaviour, problems with other events and filming at the school, lighting on the school building, indiscriminate parking, etc. were not related to the appeal proposal.

The Inspector commented that there was no requirement for the School to demonstrate a demand for children's recreational facilities to justify the use as the STP was an existing facility and the application was for an extension of the hours of use. He did not consider that monitoring of the use of the school outside school hours, the identity of users of the STP and whether the school gained financially from the proposal were relevant to the appeal. Furthermore, he considered that the appellant's points in relation to the processing of the application, the conduct of the Committee meeting and hours for deliveries and staff arrival were again not relevant to the appeal.

The Inspector therefore concluded, having carefully considered the evidence put forward by local residents, the appellants and the Council, that the effects of the proposed increase in hours of operation of the STP would not be significant in terms of the identified issues or conflict with the relevant criteria of the relevant LDP policies and the appeal should be allowed. Planning permission was therefore granted subject to two conditions, the first specifying the approved plans and documents and the second, the revised hours of operation of both the STP and floodlights.

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LPA Reference No:	2019/00618/FUL
Appeal Method:	Written Representations
Appeal Reference No:	19/3235726
Appellant:	Mrs Caroline Harries
<b>Location:</b>	<b>Pontsarn Farm, Pontsarn Lane, Peterston Super Ely</b>
Proposal:	Proposed conversion of B1 business building to residential (C3), to include extension, and stables
Decision:	Appeal Dismissed
Date:	6 November 2019
Inspector:	Mr. Hywel Jones
Council Determination:	Delegated

## Summary

The main issues were considered to be whether the appeal site was suitable for the proposed dwelling, having regard to local planning policy, particularly in relation to rural restraint and sustainable transportation and in the light of the lawful use of the site and also, the effect of the proposal on the character and appearance of the surrounding area.

The appeal site lies within a rural area with sporadic buildings, mainly agricultural or residential in use. The subject building was single storey in height with rendered walls and whilst vacant for 3 years, was found to be in a good state of repair. It was noted that permission was granted in 2000 to change the use of the building from a milking parlour to a research and development unit and the permitted use was widened to Class B1 by a permission granted in 2009.

In respect of transport sustainability, the Inspector acknowledged that various policies within the LDP seek to promote sustainable transport and aim to reduce dependency on the car and accord with the latest version of Planning Policy Wales.

The nearest settlement to the site Peterson-super-Ely which is 1.4km away, is connected by a narrow single lane highway and the Inspector identified that whilst it provides facilities that prospective residents are likely to access, residents are still likely to undertake journeys to larger centres on a frequent basis. The distance between the appeal site and the settlement means that walking would not be a viable option and the narrowness of the lane would

limit the option of cycling. The Inspector therefore concluded that occupiers of the proposed dwelling would be heavily reliant on a car and the scheme would therefore conflict with the LDP and SPG (Conversion and Renovation of rural Buildings).

The appellant considered that it was necessary to take into account the potential car borne journeys associated with the lawful use of the building to establish the practical, net impact of the scheme on car use. Whilst reference was made to the respective car parking standards for the lawful and the proposed uses, the Inspector considered that TRICS data provided was a better predictor of car usage. However, whilst the Inspector agreed with the appellant that the proposed use would be likely to lead to a reduction in car borne journeys compared to the lawful use, he noted that the evidence submitted indicated that the lawful use is not viable and therefore was unlikely to recommence, at least in the short term.

The Inspector acknowledged that the Council's SPG refers to the preference for uses other than residential use in the countryside on the basis of the boost that such uses can provide to the rural economy and considered this to be consistent with both local and national planning policies. He identified that the Council's report explained that the benefits to the local economy of an employment use of a building in the countryside was considered to outweigh its poor performance in terms of the sustainability of its location. To allow buildings converted to employment uses to be subsequently changed to residential solely on the basis that the latter is likely to generate fewer car movements, would effectively undermine the restriction that criterion 4 of policy MD11 applies exclusively to residential uses. He also referred to the explanatory text to the policy which supports a range of economically beneficial uses, including tourist accommodation, but not unrestricted residential accommodation in 'more isolated rural locations', that is, locations such as the appeal site where occupiers would be overly reliant on 'the private motor vehicle'.

In respect of sustainable transportation, the Inspector therefore concluded that prospective occupiers of the proposed dwelling would be likely to be heavily dependent on a car to access most services and facilities, contrary to policies of the LDP. The potential traffic generation associated with the lawful use of the building did not justify breaching these policies that seek to control development in rural areas in a manner that promotes the local economy.

In respect of character and appearance, the Inspector considered that the low height of the building, its set back from the road and the screening effect of roadside vegetation meant that it was not an obtrusive feature from the closest public vantage points. A taller barn to the rear of the building would be demolished and the Inspector considered that compared with this structure and the neighbouring dwellings, the appeal building as proposed to be extended, would be a modest feature in a landscape, designated for its quality as the Ely Valley & Ridge Slopes Special Landscape Area (SLA).

The Council had been concerned that the creation of the very large garden proposed and the length and width of the proposed access track, would be harmful to the character and appearance of the landscape. The Inspector

considered however that the proposed garden would be viewed in the context of the nearby garden areas of neighbouring dwellings. In this context and given the scope to impose conditions, he was satisfied that the effect of the proposal would not harm the character or appearance of the surrounding area and there would be no conflict with LDP policies aimed at protecting the landscape of the SLA, or the visual amenity of an area.

The Inspector also identified the appellant had submitted evidence of the unsuccessful marketing of the appeal site that has been carried out in an attempt to dispose of the property for business use and the Council had accepted that alternative uses to residential were not viable. Although local residents had disputed this conclusion, in the absence of detailed evidence to support this objection, it was considered that the scheme complied with the relevant criterion and that the physical state of the building was suitable for conversion under the terms of the LDP.

The Inspector however concluded that as the harm identified in relation to transport sustainability was unacceptable, the appeal should be dismissed.

### Comments

The Inspector also refused the appellant's application costs, as he did not feel the Council had acted unreasonably and the appellant had not incurred unnecessary or wasted costs.

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LPA Reference No:	2019/00507/FUL
Appeal Method:	Householder
Appeal Reference No:	D/19/3239072
Appellant:	Mr. Ben Jones
<b>Location:</b>	<b>7, Sycamore Close, Llandough, Penarth</b>
Proposal:	Part three storey part two storey rear extension with raising of ridge height & alteration works
Decision:	Appeal Invalid
Date:	21 October 2019
Council Determination:	Delegated

### Summary

This appeal was lodged against the Council's decision to refuse planning permission for a part three storey extension and part two storey extension with raising of ridge height and alteration works. The Planning Inspectorate confirmed that the deadline for the submission of an appeal under the Householder Appeal Service is within 12 weeks of the Council's decision and as such, the appeal received on 14<sup>th</sup> October 2019 was submitted out of time and was therefore unable to be accepted.

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(d) Enforcement Appeal Decisions

None



(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>	11	2	13	3
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		11 (85%)	2	13	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>	12	3	15	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	1	-	1	-
<b>Combined Total</b>		13 (81%)	3	16	3

Background Papers

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

Contact Officer:

Sarah J Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **20 NOVEMBER, 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

2019/00893/TPO	A	Coopersale House, Llanblethian	Work to trees covered by TPO number 7 of 1973: Crown reduction to Horse Chestnut to reduce branches off property
2019/00905/TPO	A	Delta Cottage, Llancarfan	Work to trees covered by TPO no. 24 of 1973 - Removal of a row of Sycamore and Ash trees to ground (T1)
2019/00911/TPO	A	Butleigh, Pendoylan	Works to trees covered by TPO - No. 04, 1972
2019/00918/TPO	A	Woodside Grange, Wenvoe	Works to trees cover by TPO - No. 07, 1988
2019/00948/TPO	A	Cross Common Road, Dinas Powys	Work to tree covered by TPO No. 5 of 2014 - Shorten branches of T3 Oak over footpath
2019/00957/TPO	A	5, Ashgrove, Dinas Powys	Works to trees covered by TPO - No. 02, 1954: Crowning of oak tree in my back garden.

2019/00961/TPO	A	Marks and Spencer, Cophthorne Way, Culverhouse Cross, Cardiff	Works to trees cover by Tree Preservation Order No. 12 1994
2019/00985/TCA	A	1, Red Lion Cottages, Bonvilston	Work to tree in Bonvilston Conservation Area - Crown lift and deadwood removal for one Sycamore adjacent to 1 Red Lion Cottages and bordering a private drive to the rear of numbers 2, 3 and 4 Red Lion Cottages
2019/00989/TCA	A	6, Norman Cottages, Michaelston Le Pit	Work to Trees in a Conservation Area: Fell dying Ash tree and replace with Oak in boundary hedge-line at front of property
2019/01001/TPO	A	The Croft, Methodist Lane, Llantwit Major	Works to trees covered by TPO - No. 03, 1977- Prune away from cable and off driveway to allow vehicle access
2019/01002/TPO	A	9, Clos Cradog, Penarth	Work to Trees covered by TPO No. 10, 2003 - 2 Field Maples in rear garden - reduce by 2 metres
2019/01003/TPO	A	1, Lee Close, Dinas Powys	Works to trees covered by Tree Preservation Order No. 08, 2003 reduce Yew by 30% and shape
2019/01006/TPO	A	1, Red Lion Cottages, Bonvilston	Works to trees covered by TPO 8 of 1973: Crown lift and deadwood removal of three Ash trees adjacent to 1 Red Lion Cottages and bordering a private drive to the rear of numbers 2, 3 and 4 Red Lion Cottages
2019/01009/TCA	A	6, Raisdale Road, Penarth	Work to Trees in a Conservation Area. 1: Cotoneaster -Remove 2 secondary limbs and trim tertiary branches of the

			<p>crown by approx.. 0.5m.</p> <p>2: Plum - Remove branches overhanging the garden boundary wall and pond. Reduce Ivy and crown by approx.. 2m.</p> <p>3: Oak Tree - Safely dismantle a couple of the Oak Tree branches overhanging the flat roof of the house, Reduce the overall crown of this tree where it overhangs the boundary line, no more than 1.5-2m</p>
2019/01022/TCA	A	Tuar Gaer, School Lane, St Nicholas	Work to Trees in a Conservation Area: Removal of Copper Beech from front garden of Tuar Gaer
2019/01030/TPO	A	Old St. James Churchyard, Leckwith Road, Leckwith	Work to Trees covered by TPO No.4, 1993 : Partial upper crown reduction to shorten back limbs / branches touching and in close proximity to the building and road. Tree affected is one Lime (Tilia Vulgaris) at G1 on plan
2019/01044/TCA	A	Court Farm, Whitefield Farm Lane, Aberthin, Cowbridge,	Work to Trees in a Conservation Area: Ash tree in front garden; reduce crown by approximately half. Norway Maple in rear garden; re-pollard back to suitable pollard points in lower crown
2019/01063/TCA	A	Westcross House, 10, Stanwell Road, Penarth	Works to trees in Penarth Conservation Area located in rear of Westcross, 10, Stanwell Road, Penarth

2019/01069/TCA	A	3, Park Road, Penarth	Work to Trees in a Conservation Area: Holly on the boundary with no 2, fell to ground level
2019/01074/TCA	A	The Grange, St Hilary, Cowbridge	T1 Elm bordering and overhanging Abbotswood - dismantle to ground level. T2 Beech on lawn North of Copper Beech on drive - dismantle to ground level
2019/01082/TPO	A	Sycamore, Sigingstone	Work to Tree covered by TPO no 19 of 2007. Sycamore; re-pollard and reduce large lateral stub back to pollard points
2019/01092/TCA	A	The Old Brewery, Cowbridge	Work to Trees in Cowbridge Conservation Area: Removal of 5 no. diseased Japanese Larch
2019/01136/TCA	A	Bonvilston Cottage, Bonvilston	Work to trees in a Conservation Area : Crown reduction to Yew tree

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **20<sup>th</sup> November, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. UPDATE REPORT ON ENFORCEMENT ACTION AT LAND AT BARRY WATERFRONT, BARRY

Introduction

1. The purpose of this report is to update Members of the Planning Committee on the enforcement action recently taken at Barry Waterfront following previous reports for authorisation to ensure compliance with planning conditions and outstanding section 106 matters.

Background

2. Members will recall the planning enforcement action that has been pursued by the Council in respect of the Barry Waterfront development and the failure of the consortium of developers (Persimmon, Taylor Wimpy and BDW) to deliver the A3 units within the District Centre.
3. Outline planning permission was granted in application 2009/00946/OUT for the comprehensive redevelopment of Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). 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, approved by the Council on 2nd March, 2012.
4. Condition 19. Of the outline placed a restriction on the occupation of dwellings in the South Quay Parkside area of the Barry Waterfront development until such time as the A3 units within the District Centre were built, fitted out and made available for rent or sale.

Action to date on the Phasing of Development

5. In December 2018, Breach of Condition Enforcement Notices and Stop Notices were issued following the developer's failure to deliver certain elements of the District Centre and these required either the cessation of the occupation of various units within the development or the cessation of the construction of certain elements until works on the retail units within the District Centre progressed.
6. On 27th June 2019, following further negotiation with the developers, planning permission was granted under a Section 73 application, which sought to vary a number of conditions on the outline planning permission (2014/00229/EAO

- refers). Condition 19. of that permission was amended to tie the developers to a revised Phasing Plan Document.
7. The approved Phasing Plan Document contains a number of restrictions in respect of both the construction / build rate and occupation of each part of the development, the phasing being specifically designed to ensure that the District Centre is delivered alongside the remaining houses. The Phasing Plan Document also sets out detailed definitions for each stage of development.
  8. Since application 2014/00229/EAO was granted in June 2019, approving revised trigger points for the whole development, the site has continued to be monitored. In September 2019 a survey of the site confirmed that although the Ground Floor Slabs have been completed on all 3 blocks of the District Centre (Blocks A, B and C), the First Floor Transfer Slabs, which represented the next trigger point had not been completed. Whilst the residential elements of the development had made significant progress and exceeded that permitted by the Phasing Plan.
  9. A Temporary Stop Notice (TSN) was issued on Barratt Homes on 3rd October 2019, which sought to stop all development and any further occupation on their site and to enable the Local Planning Authority the opportunity of identifying the most appropriate form of action to be pursued to remedy the breaches of planning control.
  10. Following a request from the developer that some work be permitted for health and safety reasons, written confirmation was provided to Barratt Homes on 8th October 2019 of the specific works which the Council agreed could be carried out to make the buildings safe.
  11. A further site inspection carried out on 21st October 2019 confirmed that works had continued that had been specifically prohibited in the email sent to Barratts on 8th October 2019, in breach of the Temporary Stop Notice. Officers are currently considering what legal action is appropriate to take in light of this breach. The initial TSN expired on 31st October 2019.
  12. Following this, it was considered appropriate that a Breach of Condition Enforcement Notice be issued to require compliance with the outstanding conditions. In accordance with the scheme of Delegation, following consultation with the Chair of Planning Committee (because reporting to planning committee for authorisation would have occasioned detrimental delay), officers served a Breach of Condition Enforcement Notice on Barratt Homes on 30th October 2019 requiring them to comply with the construction / build rate and occupation restrictions contained within the Phasing Plan Document and associated plans relevant to condition 19. of planning permission 2014/00229/EAO. This Notice takes effect on the 29th November 2019, unless an appeal is made against it before that date.
  13. In addition, a further Temporary Stop Notice was served on Barratt Homes on 31st October 2019. It required the developer to cease all construction works and further occupation of any market unit dwellings which exceed the construction / build restrictions set out in the Phasing Plan Document, save for those already

occupied on or before 1st November 2019. This has the effect of bridging the gap between the expiry of the first TSN and the effect of the BCEN, ensuring compliance with the Phasing Plan Document in the interim.

14. It should be noted that the development of the Taylor Wimpey site at South Quay Waterside has also marginally surpassed the requirements set out in condition 19 of planning permission 2014/00229/EAO. At present, officers are monitoring their site to ensure that no further work takes place on these units and are considering the expediency of further action. However, the magnitude of Taylor Wimpey's breach of the relevant conditions is significantly less than the magnitude of Barratt Homes' breach of their relevant conditions.
15. Officers are continuing to monitor on-site compliance and will consider what further steps are necessary if the developer(s) continue to breach the Phasing Plan Document or comply with these notices. A site inspection on 8<sup>th</sup> November did confirm that the First Floor Transfer Slab stage in the District Centre has now been constructed and this remedies some, but not all, of the previously identified breaches.

#### Other Enforcement Action at Barry Waterfront

16. In addition to the matters referred to above, the Council has a number of other enforcement / monitoring cases open in respect of the Barry Waterfront Development which are being actively investigated and action will be taken where necessary. These include; dust suppression measures, hours of construction, public open space delivery, section 106 planning obligations, and landscaping delivery.
17. A Breach of Condition Notice in respect of the Construction and Environmental Management Plan (specifically the hours of working) was issued on BDW and Persimmon Homes, in relation to their development at South Quay Waterside, on the 26/07/19 and 05/08/19 respectively and is still being monitored but has not led to formal prosecution to date.
18. The Breach of Condition Enforcement Notice served on Barratt Homes on 30th October 2019 (referred to in paragraph 12 above) also required them to comply with the requirements of condition 10 (enclosures), 11 (landscaping) and 13 (A3 use / sales office) of planning permission 2017/00662/RES. At the time of writing, some of these matters have since been resolved.

#### Successful Resolution of Issues

19. Officers have been successful in securing the following resolutions to other breaches of planning at Barry Waterfront:
  - Approval of a satisfactory marketing plan for the commercial units in the development to ensure all reasonable endeavors are made to find suitable 'end users' for these units, including a requirement for quarterly updates to the Council.



- Approval of public open space landscaping and onsite delivery of:
  - Neighbourhood Equipped Area for Play (NEAP) adjacent to link road
  - Linear Park (with the exception of LAPs)
  - Landscaping of Pontoons at Arno Quay (Y Rhoddfa)
  - South Quay Waterside minor open space area (Taylor Wimpey)
- Approval of shop front details for commercial units at South Quay Parkside site and regularisation on site (i.e. removal of domestic scale openings and block-work)
- Approval and implementation of Dockside Quay commercial unit shop fronts
- Landscaping issues at Arno Quay
- Progress on District Centre build out (see paragraph 15 above)

20. To date, in addition to the delivery of the link road, and on-site open space and affordable housing, the Consortium of developers have paid the following s106 contributions:

Sustainable Transport – the first 3 instalments totaling £542,538.

Public Open Space - £116,643

Community Facilities - £106,063

21. We are also due to receive the following instalments imminently:

Off-site highway works £1,967,875

Community Facilities £242,200

22. Furthermore, the Council has successfully negotiated with Persimmon Homes to transfer the children's play area at Clos Tyniad Glo (the original Waterfront development) to the Council with a capital contribution (£40,675) to upgrade the play area and a maintenance contribution of £47,534.51 to thereafter maintain it.

## RECOMMENDATION

That the Members of the Planning Committee

- (1) That the Members of the Planning Committee note the content of the update report on Barry waterfront.

Reason for the recommendation:

1. To inform Members of the Planning Committee of the latest position in relation to enforcement matters at Barry Waterfront.