

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **15 JULY, 2020**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

PLANNING APPLICATIONS

Background Papers

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

**2019/01031/RG3** Received on 19 September 2019

**Applicant:** Housing and Building Services, Vale of Glamorgan The Alps, Alps Quarry Road, Wenvoe, CF5 6AA

**Agent:** Mr Nathan Slater Dock Offices, Subway Road, Barry, CF63 4RT

### **Land to the North of Maes Y Ffynnon, Bonvilston**

Construction of 10 affordable residential units and associated works

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

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is for a major development by the Council.

#### **EXECUTIVE SUMMARY**

This is an application for full planning permission to build 10 affordable ('social rented') dwellings and associated works including improvements to the adopted highway and 'soft' and 'hard' landscaping.

For policy purposes, the site is in the defined settlement of Bonvilston (a 'minor rural settlement' in the LDP's settlement hierarchy) and Flood Zone A (little or no risk of flooding from rivers and the sea).

Technical advisers do not object to the proposal, but members of the public express concern over several aspects of the proposal.

Officers conclude that the development proposal is acceptable in principle and would have an acceptable effect on visual amenity, residential amenity, highway safety, ecology, drainage and environmental health.

It is recommended that planning permission be granted with conditions.

#### **SITE AND CONTEXT**

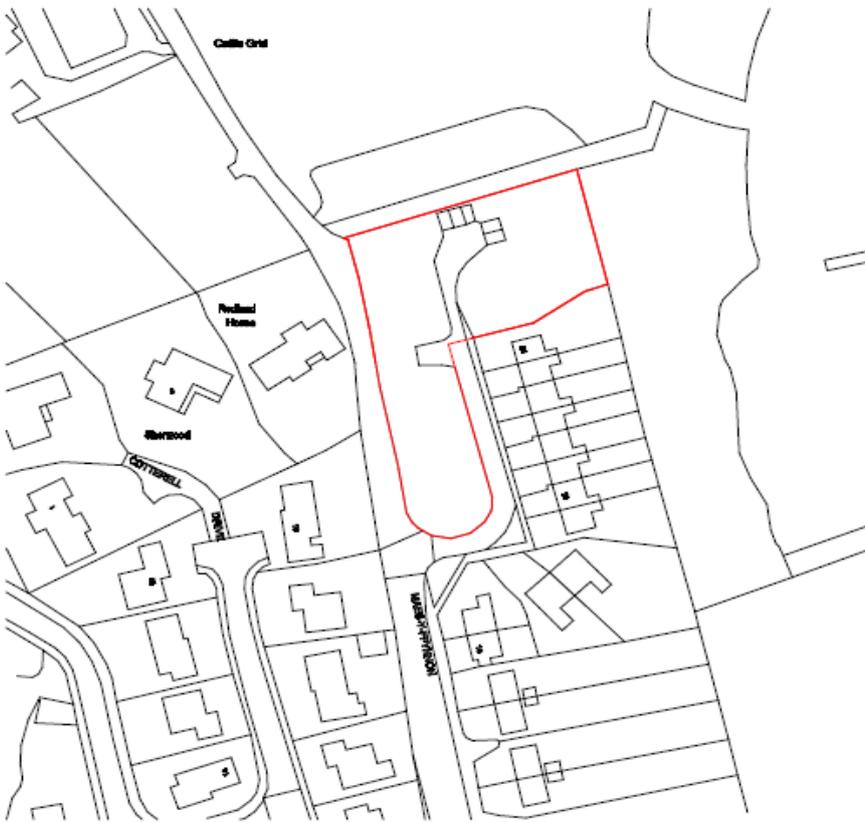
Roughly 0.3 of a hectare in area, the application site is a mix of informal amenity space and hard-surfaced land (private garages that once occupied the 'hard' land were demolished before the planning application was submitted). The land rises slightly from west to east. The site is at the end of a cul-de-sac and is next to several houses, undeveloped land and an adopted highway (Maes-y-Ffynnon).

For policy purposes, the site is in the defined settlement of Bonvilston (a 'minor rural settlement' in the LDP's settlement hierarchy) and Flood Zone A (little or no risk of flooding from rivers and the sea).

It is next to the Ely Valley & Ridge Slopes Special Landscape Area (SLA), a mineral safeguarding area (limestone, category one) and a public right of way (ref. B2/11/1).

It is near, but not in, the Bonvilston Conservation Area and an LDP housing allocation (policy MG2(40): 'Land east of Bonvilston').

A group of trees on the southern part of the site is the subject of a tree preservation order (TPO) (ref. 364-2010-03-G01), and two trees on the northern part of the site are the subject of individual TPOs (refs. 364-2010-03-T001 and 364-2010-03-T002).



## DESCRIPTION OF DEVELOPMENT

This is an application, submitted by the Housing and Building Services Department for the Vale of Glamorgan Council, for full planning permission to build 10 affordable dwellings. Associated works would include improvements to the adopted highway and 'soft' and 'hard' landscaping.

The 10 affordable ('social rented') dwellings would consist of four two-bedroomed houses and six one-bedroomed flats (two of which would be reserved for persons at least 55 years old).



*Context Elevation*

The developed site would consist of four two-storey buildings (each either 8 or 8.3 metres tall). The buildings would be finished with brown clay plain roof tiles, white UPVC casement windows and fascias / soffits / bargeboards, black upvc rainwater goods, white colour roughcast render, red facing brick (to plinth), GRP Door canopies and chimneys and composite external doors with glazed panels.



The (amended) application documents indicate that:

- the buildings, parking spaces and turning head would be in the northern part of the site, where the garages used to be;
- each house would have its own back garden, whereas the flats would have shared gardens;
- the developed site would have 14 parking spaces for residents of the development (two spaces for each house and one space for each flat):
- the existing road would be widened to 5.5 metres (measured from the nearer edge of the existing footway);
- the junction of the cul-de-sac and the main part of Maes-y-Ffynnon would be improved to provide better visibility and easier access for drivers of emergency-services vehicles;
- 22 trees – six of which are covered by TPOs - would be removed from the site;
- 14 new trees would be planted on the site.

# Proposed Site Layout



## House type 1



3 Housetype 1 - Front elevation (1)  
1:50



4 Housetype 1 - Rear elevation  
1:50



5 Housetype 1 - Side elevation 1  
1:50

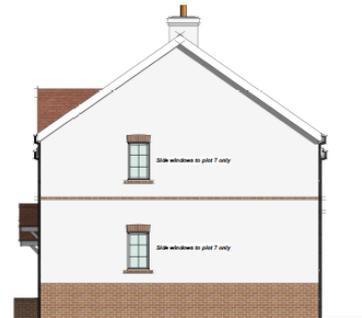
- Schedule of materials**
1. Brown colour masonry 'Acorn' single camber plain roof tiles
  2. White colour UPVC fascias / soffits / bargeboards
  3. Black upvc rainwater goods
  4. White upvc casement windows with red brick sill
  5. White colour roughcast render
  6. Red colour fluting brickwork
  7. GRP Door canopy
  8. Composite external doors with glazed panels
  9. GRP Chimneys



1 Housetype 1 - Ground floor  
1:50



2 Housetype 1 - First floor  
1:50



6 Housetype 1 - Side elevation 2  
1:50

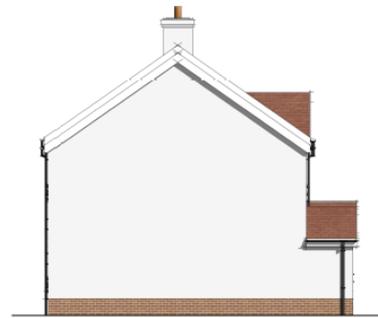
## House type 2



3 Housetype 2 - Front elevation  
1:50

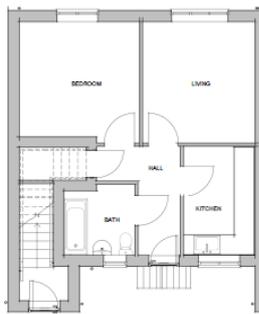


6 Housetype 2 - Rear elevation  
1:50



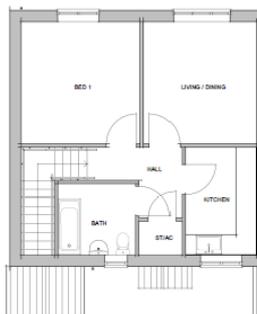
4 Housetype 2 - Side elevation 1  
1:50

- Schedule of materials**
1. Brown colour masonry 'Acorn' single camber plain roof tiles
  2. White colour UPVC fascias / soffits / bargeboards
  3. Black upvc rainwater goods
  4. White upvc casement windows with red brick sill
  5. White colour roughcast render
  6. Red colour fluting brickwork
  7. GRP Door canopy
  8. Composite external doors with glazed panels
  9. GRP Chimneys



1 Housetype 2 - Ground floor  
1:50

Housetype 2 - 152p Walk up flat



2 Housetype 2 - First floor  
1:50



5 Housetype 2 - Side elevation 2  
1:50

## House type 3



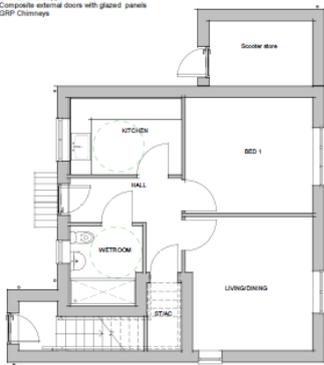
3 Housetype 3 - Front elevation  
1:50

4 Housetype 3 - Rear elevation  
1:50

5 Housetype 3 - Side elevation 1  
1:50

### Schedule of materials

1. Brown colour marley 'stone' single camber plain roof tiles
2. White colour UPVC fascias / soffits / bargeboards
3. Black spiro rainwater goods
4. White zinc cement windows with red brick sill
5. White colour roughcast render
6. Red colour facing brickwork
7. GRP Door canopy
8. Composite external doors with glazed panels
9. GRP Chimneys



1 Housetype 3 - Ground floor  
1:50

Housetype 3 - 1&2p Walk up flat (55 plus)



2 Housetype 3 - First floor  
1:50



6 Housetype 3 - Side elevation 2  
1:50

## PLANNING HISTORY

1989/00578/REG5: Residential Development. (Regulation 5) - Decision: approved

2010/00113/RG4: Outline application for residential development of land for 3 houses (Minute number C89) - Decision: withdrawn

## CONSULTATIONS

**St. Nicholas and Bonvilston Community Council** was consulted and did not comment on the proposal (but it did comment on the proposal during the statutory period of pre-application consultation overseen by the applicant).

**Cllr I. Perry** of St. Nicholas and Bonvilston Community Council expressed his wish for the planning committee to determine the application.

**Wenvoe Community Council** was consulted but did not comment on the proposal. **Highway Development (highway authority)** was consulted and did not object to the (amended) proposal.

The **Public Rights of Way Officer** was consulted and did not object to the proposal, but has advised that the Public Right of Way must be kept open and available for safe use by the public at all times. The applicant should ensure that materials are not stored on the

Public Right of Way and that any damage to the surface as a result of the development is made good at their own expense.

The **Drainage Section** was consulted and confirmed that the developer would have to apply to the council – the ‘SuDS approval body (SAB)’ - for approval of drainage arrangements for surface water (this is a non-planning procedure).

**Environmental-health officers (Shared Regulatory Services (SRS))** were consulted and made the following observations:

#### Noise

Recommended that planning permission carry conditions about construction working hours and a construction environment management plan (CEMP).

#### Contaminated Land, Air & Water Quality

Recommended that planning permission carry conditions about unforeseen contamination, imported soil, imported aggregates and the use of site-won materials.

The **Ecology Officer** was consulted and initially objected to the proposal because mature trees would be lost and not replaced and because information relating to bats was out of date. The Countryside team later confirmed that the updated information about bats was acceptable.

**Housing Strategy** was consulted and supported the proposal, stating that it would help to meet the Vale’s need for affordable housing.

**Dŵr Cymru Welsh Water** (DCWW) was consulted and stated that existing infrastructure has no capacity for the development proposal. It recommended that planning permission carry a pre-commencement condition about drainage arrangements for foul water. Importantly, the suggested condition may require the applicant to pay for a ‘Developer Impact Assessment’ before DCWW carries out reinforcement works to accommodate the development proposal’s foul water.

**Natural Resources Wales** (NRW) was consulted and did not object to the (amended) proposal. It did, however, state that the proposal must pass the three licensing tests set out in the Conservation of Habitats and Species Regulations 2017.

**South Wales Police** was consulted but did not comment on the proposal.

**Wenvoe Ward Member** was consulted and no comments have been received to date.

**Cllr Leighton Rowlands** requested that the planning committee has a site visit.

#### REPRESENTATIONS

The neighbouring properties were consulted on 27<sup>th</sup> September 2019, site notices were displayed on 30<sup>th</sup> September 2019 and the application was advertised in the press on 10<sup>th</sup> October 2019.

To date, the planning authority has received **27 letters of representation** in which members of the public expressed concern over:

- The location of the rumble strip;
- Parking;
- Traffic;
- Road safety;
- Amount and density of development;
- Loss of green space (described as a play area and village green);
- Actual demand for affordable housing in the area;
- Overdevelopment of Bonvilston (this proposal in combination with other housing schemes);
- Effect on wildlife;
- Loss of trees;
- Effect on Bonvilston Conservation Area;
- Drainage;
- Whether the proposal is the best use of the land;
- Maintenance arrangements;
- The age of some of the application documents (surveys, for example);
- Local bus services (which are said to be infrequent and expensive);
- Effect of building work on residents;
- Overall effect on the character of the area (more houses, loss of green space, more parked cars).

## REPORT

### Planning Policies and Guidance

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

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

#### Strategic Policies:

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

#### Managing Growth Policies:

POLICY MG1 - Housing Supply in the Vale of Glamorgan

### Managing Development Policies:

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development  
POLICY MD3 - Provision for Open Space  
POLICY MD4 - Community Infrastructure and Planning Obligations  
POLICY MD5 - Development within Settlement Boundaries  
POLICY MD6 - Housing Densities  
POLICY MD7 - Environmental Protection  
POLICY MD8 - Historic Environment  
POLICY MD9 - Promoting Biodiversity

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

### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales,

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Accessibility
- Previously Developed Land
- Supporting Infrastructure

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)
- Community Facilities
- Recreational Spaces

## Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

### **Technical Advice Notes:**

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

- Technical Advice Note 2 - Planning and Affordable Housing (2006)
- Technical Advice Note 10 - Tree Preservation Orders (1997)
- Technical Advice Note 11 - Noise (1997)
- Technical Advice Note 12 - Design (2016)
- Technical Advice Note 20 - Planning and the Welsh Language (2017)
- Technical Advice Note 24 - The Historic Environment (2017)

### **Supplementary Planning Guidance:**

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

- Affordable Housing (2018)
- Biodiversity and Development (2018)
- Model Design Guide for Wales
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Trees, Woodlands, Hedgerows and Development (2018)

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

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations

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

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

## Issues

The main issues in this assessment are:

- Principle of development;
- Visual impact;
- Impact on neighbours;
- Highways;
- Ecology;
- Drainage;
- Planning obligations;
- Village-green application.

### **Principle of development**

#### Overview of policy requirements and objectives

Policy SP1 (Delivering the Strategy) seeks to:

- provide a 'range and choice of housing to meet the needs of all sectors of the community' (criterion one); and
- promote sustainable transport (criterion four).

Policy MG1 (Housing Supply in the Vale of Glamorgan) states that the Vale's housing-land requirement will be met partly through the development of 'unallocated windfall sites [consisting of 10 units or more] in sustainable locations'.

Policy MD1 (Location of New Development) states that new development on unallocated sites should:

- In the case of residential development, support the delivery of affordable housing in areas of identified need (criterion four);
- Have access to or promote the use of sustainable modes of transport (criterion five);
- Benefit from existing infrastructure provision or where necessary make provision for new infrastructure without any unacceptable effect on the natural or built environment (criterion six);
- Where possible promote sustainable construction and make beneficial use of previously developed land and buildings (criterion seven); and
- Provide a positive context for the management of the water environment by avoiding areas of flood risk (criterion eight).

Policy MD5 (Development within Settlement Boundaries) states that new development in defined settlements should:

- Make efficient use of land or buildings (criterion one);
- not prejudice the delivery of an allocated development site (criterion two);
- be 'of a ... character that is sympathetic to and respects its immediate setting and the wider surroundings' (criterion three);

- not result in the unacceptable loss of public open space, community or tourism buildings or facilities (criterion five).

## Assessment

### *Location*

The site falls within the defined settlement of Bonvilston (a minor rural settlement) and a low-risk flood zone. The site is part of an established residential area, and part of the site constitutes previously developed land. In addition, the site is in walking distance of several bus stops that receive services to and from larger settlements (such as Porthcawl, Bridgend, Cowbridge and Cardiff). On this basis, there is no objection to the principle of residential redevelopment of the site subject to more detailed consideration in respect of the other policies within the plan as set out above.

### *Need for affordable housing*

The housing-strategy team has stated that the ward of Wenvoe needs 213 affordable dwellings consisting of:

- 1 bed – 94 dwellings;
- 2 bed – 82 dwellings;
- 3 bed – 28 dwellings;
- 4 bed – seven dwellings;
- 5 bed – two dwellings.

In accordance with criterion four of policy MD1, the development proposal would 'support the delivery of affordable housing in areas of identified need'.

### *Loss of public open space (POS)*

The Open Space Background Paper 2013 identifies part of the application site as 'amenity greenspace' (ref. 'Green/505 – Maes-y-Ffynon – 0.29 ha – WD1001135') (see Appendix 7). It also states that the ward of Wenvoe has a surplus of amenity greenspace of at least 1.58 hectares (see page 40).

Under this proposal, roughly 1,760 square metres (0.18 of a hectare) of the application site would cease to be public open space (POS). Roughly 1,000 square metres (0.1 of a hectare) of land between the cul-de-sac and the main section of Maes-y-Ffynon would remain as POS. According to the Background Paper, this would still leave the ward of Wenvoe with a surplus of at least 1.4 hectares of amenity greenspace. In addition, more than half a hectare of POS will be created on the nearby allocated housing site (which is currently under construction). Residents of Maes-y-Ffynon would be able to walk to the new POS in roughly five minutes.

For the above reasons, the development proposal would not bring about an *unacceptable* loss of public open space (see criterion five of policy MD5).

## Summary and conclusion

The development proposal is acceptable in principle because it accords with strategic policies on defined settlements, affordable housing, access to sustainable transport, flood risk and the management of public open space.

## **Visual impact**

### Design and layout

#### *Density*

Policy MD6 (Housing Densities) states that a housing proposal in a minor rural settlement should have a 'minimum net residential density of 25 dwellings per hectare'.

The proposal would have a development density of 33 dwellings per hectare (dph), thereby exceeding the policy target. Whilst the density is higher than the minimum specified density, Policy MD6 does support higher densities where the development reflects the character of the surrounding area and would not unacceptably impact upon local amenity. The level of density is considered acceptable in principle subject to a more detailed consideration below and would use land efficiently.

#### *Amenity space*

The Residential and Householder Development SPG sets out the following standards for amenity space for houses and flats:

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

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

*For **flats**, between 12.5 sq.m and 20 sq.m of amenity space per person should be provided, depending on the size of development\* [emphasis added]. Communal areas of amenity space may be acceptable, but these must be directly accessible for all occupiers.*

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

1-20 people = 20 sq.m per person  
21-40 people = 17.5 sq.m per person  
41-60 people = 15 sq.m per person  
61+ people = 12.5 sq.m per person

The SPG defines amenity space in the following terms:

*[Amenity] space associated with residential properties includes front gardens and private rear gardens. It does not include footpaths, driveways and parking areas. Amenity space is essential and provides a number of important functions that contribute towards a resident's enjoyment of a property. Those essential functions include space for relaxation,*

*entertainment and play; gardening and cultivation; clothes washing and drying; DIY; and waste, cycle and other domestic storage.*

The application documents indicate that:

- Plot 1 (2-bed house) would have roughly 100 square metres of amenity space;
- Plot 2 (2-bed house) would have roughly 50 square metres of amenity space;
- Plots 3, 4, 5 and 6 (each a 1-bed flat) would share roughly 115 square metres of amenity space;
- Plot 7 (2-bed house) would have roughly 60 square metres of amenity space;
- Plot 8 (2-bed house) would have more than 140 square metres of amenity space (it is a corner plot);
- Plots 9 and 10 (each a 1-bed flat) would share roughly 90 square metres of amenity space.

Plots 1, 7, 8, 9 and 10 would meet or exceed the SPG's standards, but the other plots would fall short of them. Specifically, plot 2 would have a deficit of 30 square metres and plots 3, 4, 5 and 6 would have a shared deficit of 45 square metres. Nonetheless, overall there is considered to be an appropriate level of amenity space to serve the dwellings and flats

Occupants would not, of course, be limited to their own private amenity space. Public open space is available next to the houses and, in time, at the ongoing housing allocation to the east, which would be in walking distance of Maes-y-Ffynnon.

Siting, design and materials

The existing residential development along Maes y Ffynnon is characterised by terraced properties, whereas the residential properties adjacent to the application site to the east are mainly large detached properties. Based upon the location of the site it is considered appropriate for the proposals to reflect the character of the housing along Maes y Ffynnon to ensure the development fits within and form a continuation of the existing street scene.

Consequently, the form and massing of proposed residential units is limited to two storeys and follows a similar design scheme to the existing residential development along Maes Y Ffynnon.



The proposed buildings largely take the form of semi-detached properties, which reflect the height, detailing and design and external materials of the properties in Maes Y Ffynnon, particularly with the use of gable roof details. The materials proposed are considered acceptable and comprise of roughcast rendered elevations and the use of plain clay tiles which will assist in assimilating the development within the Maes y Ffynnon street scene. The other details and finishes are also considered acceptable. However, planning permission should carry a condition requiring the applicant to submit samples of external finishes and materials (**condition 3 refers**).



### Streetscape

Shortly after it passes the site's northern boundary, the main arm of Maes-y-Ffynnon becomes a single-track road. Roadside hedges and tall trees give the section of road to the north of the cul-de-sac's entrance a green, semi-rural character. Several trees would

be removed from the site's north-west corner, but the roadside hedge would remain. Even though the side elevation of the house in plot 1 would probably be noticeable from the road, the adjacent section of Maes-y-Ffynnon would retain its 'green corridor' character. The overall visual impact would be acceptable.

### Landscaping and trees

Aside from trees, which are discussed separately (below), the proposed indicative landscaping is acceptable. Together, the turning head and the adjacent parking spaces would occupy a large area in front of the buildings. However, the adjacent front gardens and small areas of landscaping would soften this part of the site. Overall, the proposed mix of hard and soft surfaces would have an acceptable effect on the character and appearance of the site and the street. Nonetheless, to ensure that the turning head would have a high-quality finish, planning permission should carry a standard condition about 'hard' and 'soft' landscaping (including boundary features) (**condition 11 refers**).

More than 30 trees are on the application site.

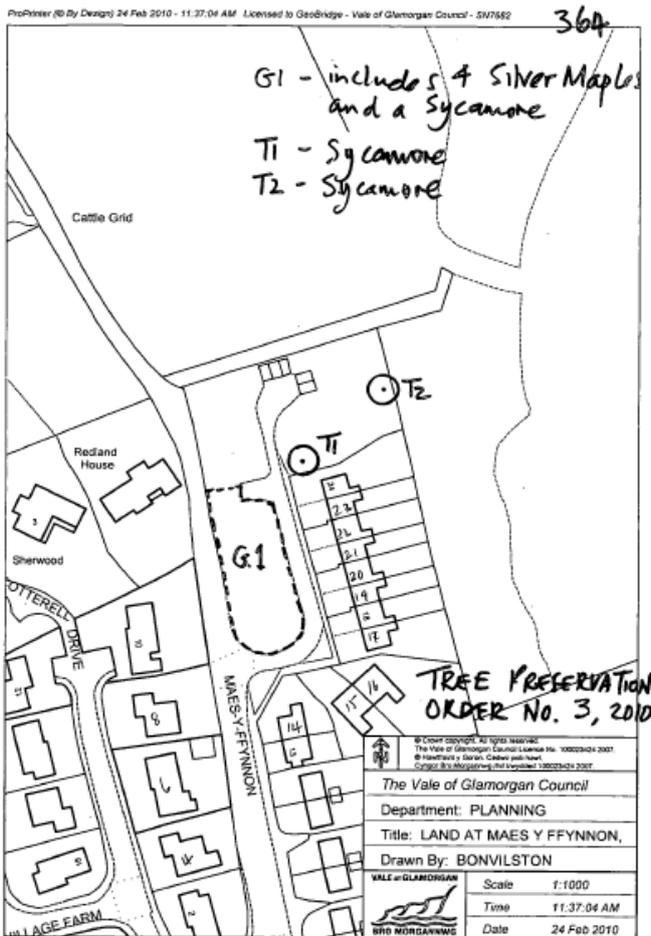
The Trees, Woodlands, Hedgerows and Development SPG places trees in the following categories:

- Category A: Trees of high quality and value capable of making a significant contribution to the area for 40 or more years;
- Category B: Trees of moderate quality or value capable of making a significant contribution to the area for 20 or more years;
- Category C: Trees of low quality, adequate for retention for a minimum of 10 years expecting new planting to take place; or young trees that are less than 15 cm in diameter which should be considered for re-planting where they impinge significantly on the proposed development;
- Category U: Trees which are in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years. Such trees may however have a conservation value which might be desirable to preserve.

The SPG states that (see paragraph 7.3.3):

*Trees which are protected by a TPO or classified within retention category A or B in a BS5837: 2012 survey should be retained on the site. If it is proposed to remove any A or B category trees, then the Council will require the applicant to demonstrate how the removal is necessary and outline any mitigation measures to be provided.*

A tree preservation order (TPO No.3 2010 – Land at Maes-y-Ffynnon, Bonvilston) covers two trees in the northern part of the site and a group of trees in the southern part of the site. Below is an extract from the TPO plan:



The application documents indicate that 22 trees would be removed from the site. Of these, six are covered by the TPO (though three of these are in categories C or U), and three fall into category B. With one exception, all of these trees would be removed for development reasons, as distinguished from 'tree health' reasons. In this instance, provided that replacement planting would take place (**condition 11 refers**), the social benefits of a wholly affordable housing scheme justify the loss of six healthy trees.

The applicant's planning, design and access statement (PDAS) states the following about replacement planting:

*Particular attention to landscaping has been given to the northern and eastern boundary to retain the existing trees to the boundary of the settlement and include new mature planting where appropriate which is considered to create a transition from the built form of Bonvilston and the surrounding rural character outside of the settlement boundary.*

The Trees, Woodlands, Hedgerows and Development SPG states the following about replacement planting:

*When removal of a TPO tree is considered acceptable (through a planning application or TPO application), the Council will normally require replanting at a ratio of 2:1 which is necessary to mitigate the amenity loss of a mature or high value trees. In cases not involving a TPO tree the Council will encourage a similar 2:1 replanting ratio wherever possible. This approach is in accordance with the general principles and aspirations of Strategic Policy SP10 (Built and Natural Environment) and other policies of the LDP and the Council's Draft Tree Strategy (See section 4.3).*

The application documents indicate that 14 replacement trees would be planted on the site, going beyond the SPG's two-for-one target. Even so, the landscaping condition (discussed above, in 'Landscaping' - **condition 11 refers**) should refer to the replacement planting. A separate condition should protect the trees marked for retention on the application documents (**condition 17 refers**).

### Summary and conclusion

In conclusion, the loss of seven healthy trees is acceptable, given the proposal's clear social benefits, and suitable two-for-one replacement planting should be secured through a landscaping condition (**condition 11 refers**).

### **Impact on neighbours**

The neighbours most likely to be affected by this proposal are those at Redland House (to the west) and 24 Maes-y-Ffynon. The other residents of the cul-de-sac might notice an increase in activity and movement in the street, but the effect would not amount to material planning harm. Crucially, the proposal would not affect their natural light, outlook or privacy.

#### Redland House

Redland House and the application site are on opposite sides of Maes-y-Ffynon. The proposed house (Plot 1) would be roughly 14 metres from Redland House, with its western (side) elevation facing the neighbours. From this distance, the new house would not have a substantial effect on the neighbours' natural light or visual amenity. However, a first-floor bedroom window is proposed in the side elevation, and this would allow occupants to overlook the garden of Redland House. To protect the neighbours' privacy, a condition requiring first-floor window in the western (side) elevation of Plot 1 to have obscure glass and non-opening sections below eye level (taken as 1.7 metres above floor level) (**condition 12 refers**).

#### 24 Maes-y-Ffynon

The houses in plots 7 and 8 would be roughly 21 metres from 24 Maes-y-Ffynon, which does not have habitable-room windows in its northern (side) elevation. From this distance, the new houses would not affect the neighbours' natural light, outlook or privacy.

The flats in plots 9 and 10 would be roughly 14 metres from 24 Maes-y-Ffynon and roughly three metres from its back garden. The side elevation of the new building would face the neighbours. Each flat would have a living/dining-room window in this elevation, but each window would have obscure glass and no opening sections. This means that the neighbours would not be exposed to overlooking (nonetheless, planning permission should be conditioned to ensure that the non-opening obscure glazing is installed and retained thereafter (**condition 12 refers**)).

The building in plots 9 and 10 would be north of no. 24's garden. It would not, therefore, cast a shadow on the neighbours' garden.

The side elevation of the new building (plots 9 and 10) would not be parallel to the northern (side) boundary of no. 24. As a result, the distance between the building and the neighbours' garden would range from less than three metres to nearly five metres. From these distances, a two-storey side elevation, with a gable end forming the upper storey, would not appear overbearing to the neighbours.

### Future occupants (plots 9 and 10)

A first-floor side window in plot 8 would allow occupants to overlook the shared garden of plots 9 and 10. To protect future occupants' privacy, a condition about non-opening sections and obscure glazing should be used (**condition 12 refers**).

### Summary and conclusion

The development proposal, subject to conditions, would have an acceptable effect on neighbours' residential amenity, judged in terms of natural light, outlook, peace and quiet, and privacy.

### **Highways**

Under this proposal, the existing road would be improved in the following ways:

- The radius of the bend near the junction would be changed;
- The section of road near the junction would be widened to six metres;
- The rest of the cul-de-sac would be widened to 5.5 metres;
- A rumble strip would be created just before a new turning head.

In addition, a new turning head (with tactile paving and a dropped kerb) and 14 parking spaces would be created.

The garages that once served the existing houses in the street were demolished some time ago. Residents now park their cars on the carriageway.

Having considered parking demand, traffic levels and public safety, the highway authority does not object to the amended proposal. Nonetheless, planning permission should carry conditions requiring the applicant to submit full engineering details and provide the parking spaces before any of the approved dwellings are occupied (**condition 14 refers**).

### **Ecology**

The application documents include an ecological assessment (dated October 2018), a bat activity survey report (dated September 2015) and a mitigation strategy for great crested newts (dated January 2020). The ecological assessment provides more recent evidence about bats than the bat activity survey report.

Together, the ecology documents explore the proposal's effect on bats, birds, great crested newts, dormice, otters and badgers, amongst other creatures.

The author of the ecological assessment reached the following conclusion:

*On the basis of the evidence currently available it is ... concluded that the site is not unacceptably constrained by biodiversity issues. There may be some potential for impact*

*to protected species such as common reptiles, nesting birds and foraging bats, but these should be readily amenable to mitigation. Appropriate mitigation and enhancement measures are recommended.*

The application documents indicate that **bats** use the site for foraging and ‘commuting’, but do not live on the application site.

The application documents state the following about **great crested newts**:

*NRW have advised that development ‘is likely to harm or disturb GCN’; [a] European Protected Species derogation licence will therefore be required for the proposed development, once planning consent is in place.*

The ecology officer stated that:

- The proposal would bring about an ‘unacceptable loss of mature trees with inadequate replacement within the development’;
- ‘A reptile strategy will be required which will detail how reptiles will be protected during the construction and operational phases. This can strategy can be conditioned as a “Prior to Commencement” condition;
- ‘A biodiversity strategy scheme will be required, but can be conditioned as a “Prior to Commencement” condition if necessary;’
- ‘We note that the bat survey of the high potential trees was carried out in 2015, this survey is now out of date and will require a repeat survey’; and
- ‘We note the submission of the GCN [great crested newts] strategy and confirm this is adequate. However, as a licence will be required, the planning officer will need to undertake the (Habitats Regulations) 3 tests at the planning determination stage and document the results of this.’

Natural Resources Wales (NRW), having examined the latest application documents, does not object to the proposal. It states:

*The amended [mitigation strategy for great crested newts] provides an adequate basis upon which to assess the proposal and its impacts on Great Crested Newt. We therefore have no objection to the proposal.*

NRW stated that the planning authority must subject the proposal to the three licensing tests set out in the Conservation of Habitats and Species Regulations 2017. It also pointed out that the applicant would have to apply for a European Protected Species (EPS) licence under a separate (non-planning) application.

The Countryside team examined the updated bat survey and did not object to the proposal. Nonetheless, the ecology officer’s concerns are addressed below in order.

#### *Loss of mature trees*

The loss of mature trees is necessary for development purposes, and the proposal’s social benefits outweigh the visual harm. Furthermore, the amended plans, which the ecology officer was not able to see before leaving the council, indicate that replacement planting would exceed the two-for-one target set out in SPG.

### *Reptile strategy*

Planning permission should carry the suggested condition (**condition 13 refers**).

### *Biodiversity enhancement*

Planning permission should carry the suggested condition (**condition 18 refers**).

### *Bat survey*

The ecological assessment includes an update to the bat survey carried out in 2015. NRW has not expressed any concern over the proposal's effect on bats (though the applicant would have to apply for a European Protected Species licence).

### *Great crested newt*

The planning authority will subject the proposal to the licensing tests (see below).

### Licensing tests

The three licensing tests state that a development proposal which would disturb or displace a European Protected Species (EPS) will be acceptable only if:

1. The purpose of the work is for preserving public health or public safety or other imperative reasons of over-riding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
2. There is no satisfactory alternative;
3. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range.

### *First test*

The development proposal would not preserve public health or public safety, but it does accord with the development plan's policies on new housing in defined settlements. It would bring social and economic benefits to the rural area through the provision of affordable housing. Moreover, managing development in accordance with the statutory development plan is undoubtedly a matter of public interest.

### *Second test*

The development proposal complies with the LDP's strategic policies on new housing in defined settlements. The proposed dwellings are compatible with existing houses, whereas a non-residential use might give rise to some conflict. In social terms, moreover, the creation of 10 affordable dwellings weighs heavily in favour of the proposal.

The 'do nothing' approach is not especially desirable. Evidence shows that the land is not *needed* as public open space, and if it were left undeveloped it might become unsightly over time, particularly the area where the garages used to be. Furthermore, vacant land

would not have the same positive social and economic effects as the development proposal.

For the above reasons, there appears to be no satisfactory alternative to the development proposal.

### *Third test*

NRW has stated that the development proposal would have an acceptable effect on the favourable conservation status of the EPS.

For the above reasons, the development proposal passes the three licensing tests. To protect ecological assets, the planning authority should use the conditions (reptiles and biodiversity enhancement) suggested by the ecology officer.

## **Drainage**

### Surface water

The council's drainage officers state that the developer would have to apply for 'SAB' approval through a non-planning procedure. Planning permission need not, therefore, carry a condition about drainage arrangements for surface water.

### Foul water

Dŵr Cymru Welsh Water requests that planning permission carry conditions requiring the applicant to:

- Submit details of drainage arrangements for the site; and
- Assess the proposal's effect on the Bonvilston (East) Wastewater Treatment Works and, if necessary, prepare a scheme of reinforcement works.

Planning permission should carry the suggested conditions (**condition 4 and 5 refer**).

## **Other Matters**

Environmental-health officers recommend that planning permission carry conditions about:

- a construction environment management plan (CEMP);
- unforeseen contamination, imported soil, imported aggregates and the use of site-won materials.

The suggested conditions have been used (**conditions 7, 8, 9 and 10 refer**). To protect the amenity of existing residents, a condition about working hours should also be used (**condition 6 refers**).

## **Planning obligations**

Paragraph 5.8 of the Planning Obligations SPG states:

*On 5th September 2016, Cabinet (Minute C3271) agreed that schemes for **100% affordable housing developments of twenty five units or less** delivered either by the*

*Council or its four Housing Association Partners (Hafod Housing, Newydd Housing, United Welsh Housing and Wales & West Housing) will be exempt from paying financial planning obligations. For more information, please refer to the Affordable Housing SPG [emphasis added].*

This development proposal does not, therefore, need to yield planning obligations.

Planning Policy Wales states the following about affordable housing (see paragraph 4.2.26):

*Affordable housing includes social rented housing owned by local authorities and RSLs and intermediate housing where prices or rents are above those of social rent but below market housing prices or rents.*

TAN 2 provides the following definition of 'affordable housing':

*[Housing] where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.*

It states that affordable housing includes 'social rented' housing and 'intermediate' housing.

The application documents indicate that the dwelling units would fall into the 'social rented' category.

Planning permission should carry a condition to ensure that the dwellings would be built and then retained as affordable units (**condition 15 refers**).

### **Village-green application**

The application site – shown on the map extract below - is the subject of a village-green application:



The village-green application is a non-planning procedure, separate from the 'amenity greenspace' designation in the Open Space Background Paper 2013 (discussed in 'Principle of development'). Nonetheless, the application is a consideration in this assessment.

The village-green application, which has yet to be determined, has no set deadline. The application is likely to be the subject of a public inquiry, and a decision may not be made for some time. The village-green application process will cover a period of 20 years *before* the application was submitted. This means that the current planning application cannot affect the outcome of the village-green application. By contrast, if the village-green application were successful, the applicant would not be able to carry out this development proposal even if planning permission had been granted.

For the above reasons, the planning authority may approve this planning application without fear of disadvantaging those who have applied to make the site a village green.

### RECOMMENDATION

Deemed planning consent be GRANTED subject to the following condition(s):

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

Reason:

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

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

- A001 Rev B (Site Location Plan);
- A002 Rev J (Site Layout) (dated 11th March 2020);
- A003 Rev D (Housetype 1);
- A004 Rev D (Housetype 2);
- A005 Rev D (Housetype 3);
- A006 Rev D (Context elevation);
- A009 Rev J (Block Plan) (dated 11th March 2020);
- A011 (Shed Detail);
- the protection methods set out in the document entitled 'Tree Survey at Maes y Ffynnon, Bonvilston' (Treescene Arboricultural Consultants, 21st January 2019).

Reason:

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

3. Notwithstanding the submitted details, before any external materials are used on the site, samples of materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details before any of the approved dwellings are occupied. The approved materials shall then be retained and maintained on the site for as long as the approved dwellings exist.

Reason:

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

4. No development shall take place until:

i) a survey to establish the current flow and load received at Bonvilston (East) Wastewater Treatment Works has been undertaken; and

ii) an assessment of the impact of the development hereby approved on the Wastewater Treatment Works having regard to the results of the flow and load survey has been undertaken and agreed with the local planning authority; and

iii) if necessary, a scheme of reinforcement works for the Bonvilston (East) Wastewater Treatment Works has been agreed with the local planning authority in order to allow it to accommodate the foul discharges from the development hereby

approved without increasing the risk of breaches to the discharge consent for the Bonvilston (East) Wastewater Treatment Works.

No dwellings shall be occupied until the agreed scheme has been completed.

Reason:

To prevent hydraulic overloading of the public sewerage system, protect the health and safety of existing residents, ensure no pollution of or detriment to the environment and to ensure the site can be effectively drained.

5. No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with policies SP1 (Delivering the Strategy) and MD7 () of the Local Development Plan.

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

Monday to Friday: 0700 – 1900

Saturday: 0700 – 1700

Unless such work is:

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

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

Reason:

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

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

i) the parking of vehicles of site operatives and visitors;

ii) loading and unloading of plant and materials;

iii) storage of plant and materials used in constructing the development;

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

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

Reason:

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

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

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

9. Any topsoil (whether natural or manufactured), subsoil, aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for

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

Reason:

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

10. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason:

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

11. Before development begins, including any demolition or site clearance, details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- earthworks showing existing and proposed finished levels or contours;
- retaining structures;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials.

Details of soft landscape works shall include:

- methods of protecting the trees marked for retention on drawing A009 Rev J (Block Plan) and the roadside hedge next to the site's north-western corner;
- planting plans (on which the number of replacement trees must at least match the number of replacement trees shown on drawing A009 Rev J (Block Plan));
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
- an implementation programme (including phasing of work where relevant).

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the

occupation of the buildings or the completion of the development, whichever is the sooner.

The 'hard' and 'soft' landscaping shall be retained and maintained (including replacement planting, if necessary) in accordance with the approved details for as long as the approved development exists.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD2 (Design of New Developments) of the Local Development Plan.

12. Notwithstanding the approved plans, in plots 1, 8, 9 and 10 (identified on drawing A002 Rev J), any part of any first-floor side window that is below 1.7m in height above the level of the floor in the room that it serves shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

To protect the privacy of neighbours, in accordance with policy MD2 (Design of New Development) of the Local Development Plan.

13. Notwithstanding the submitted details, no development (including site clearance) shall commence until a wildlife and habitat protection and management plan has been submitted to and approved in writing by the local planning authority. The wildlife and habitat protection plan shall include:

- Details of, and a schedule for, sensitive site clearance with respect to reptiles, bats and breeding birds;
- A reptile strategy explaining how reptiles will be protected during the construction and operational phases;
- Details of newt-friendly drainage;
- A plan showing wildlife and habitat protection zones, if appropriate;
- Details of development and construction methods within wildlife and habitat protection zones and measures to be taken to minimise the impact of any works;
- A lighting scheme for the site in order to ensure minimal light spillage onto adjoining vegetation; and
- A minimum of 100mm gap at the bottom of all fencing used on site.

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

Reason:

In the interests of ecology and to ensure compliance with policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG19 (Sites and Species of European Importance) and MD9 (Promoting Biodiversity) of the Local Development Plan.

14. Notwithstanding the approved plans, no development shall commence until full engineering details of the roadworks, parking areas and turning areas shown on drawings A002 Rev J and/or A009 Rev J have been submitted to, and approved in writing by, the planning authority. No dwelling shall be occupied until the roadworks, parking areas and turning areas have been completed in accordance with the approved details. The parking spaces shall thereafter be kept available for the parking of vehicles for as long as the approved development exists.

Reason:

To ensure that the development proposal will have an acceptable effect on local highway safety and the amenity of the area, in accordance with policies MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries) of the Local Development Plan.

15. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing or any future guidance that replaces it.

Reason:

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

16. Notwithstanding the approved plans and the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwelling house. The only boundary features/means of enclosure shall be those that have first been submitted to, and approved in writing by, the planning authority. The approved boundary features/means of enclosure shall be erected before any of the approved dwellings are occupied. The boundary features/means of enclosure shall be retained and maintained in accordance with the approved details at all times thereafter.

Reason:

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

17. No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of trees shown to be retained on drawing number A009 Rev J (Block Plan). The approved scheme shall be carried out during the demolition of the buildings and throughout the course of construction.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

18. Prior to the commencement of development, details of a scheme of bio diversity enhancements shall be submitted to the Local Planning Authority. Within 6 months of the completion of the development or first beneficial occupation (whichever is the sooner) the agreed scheme of bio diversity enhancements shall be implemented/completed on site, which shall thereafter be retained, in accordance with the agreed details.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MG9 (Promoting Biodiversity) of the Local Development Plan.

#### REASON FOR RECOMMENDATION

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

Having regard to policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG1 (Housing Supply in the Vale of Glamorgan), MD1 (Location of New Development), MD2 (Design of New Development), MD3 (Provision for Open Space), MD4 (Community Infrastructure and Planning Obligations), MD5 (Development within Settlement Boundaries), MD6 (Housing Densities), MD7 (Environmental Protection), MD8 (Historic Environment) and MD9 (Promoting Biodiversity), the planning authority concluded that the development proposal was acceptable in principle and would have an acceptable effect on visual amenity, residential amenity, highway safety, ecology, drainage and environmental health.

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

#### NOTE:

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

responsibility for

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

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

- Unprocessed / unsorted demolition wastes.

- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.

- Japanese Knotweed stems, leaves and rhizome infested soils.

In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

(iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

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

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

3. Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2017 is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by the Welsh Assembly Government in accordance with the aforementioned Regulations.

4. **Warning:** An European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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

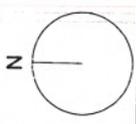
**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

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

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

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Notes:  
Do not scale this drawing. Check all dimensions on site. Any discrepancies to be reported back to the Architect for clarity.

1	Prepared for planning submission	15/07/19
2	Updated following comments from planning	15/07/19
3	Final	15/07/19
4	Final	15/07/19



Client:  
  
 VALE OF GLAMORGAN  
 BID ADMINISTRATION

Project:  
**Maes-Y-Flynnon | Bonvilston**

Job Number:  
**L525**

Date:  
**20.07.2019**

Drawn by:  
**A001**

Site location plan

Revision:  
**B**

Scale:  
**1 : 1250 @ A3**

Drawing Status:  
**PLANNING**

  
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1901031 RQ3



**2019/01263/FUL** Received on 27 November 2019

**Applicant:** Mr. Neil Ballard 7, John Batchelor Way, Penarth, Vale of Glamorgan, CF64 1SD

**Agent:** Mr. Neil Campodonic 80, Waterloo Road, Penylan, Cardiff, CF23 9BH

### **7, John Batchelor Way, Penarth Marina, Penarth**

Garage conversion, extension balcony with privacy panel and elevational change to front & privacy screen to rear balcony

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

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr Jonathan Bird citing the concerns raised by neighbouring properties.

#### **EXECUTIVE SUMMARY**

The application site relates to a three-storey terrace property within the Penarth Marina and located within the settlement boundary as defined within the Local Development Plan.

The proposal seeks consent for a balcony extension, garage conversion, privacy panel to the front and rear and changes to the front elevation. The elevational changes include the installation of bi-fold doors to the front elevation and alterations to ground floor glazing. It also includes an extension to the balcony and new balustrade to match the neighbouring properties. The proposed privacy screens to both front and rear would measure 1.8m in depth and to a height of 1.8m reducing to 1.5m. The privacy screens would be smoked glass.

Neighbours have raised concerns regarding the privacy screen and windows. Penarth Town Council have raised an objection.

In summary, the alterations to the glazing are considered acceptable and the provision of the extended balcony and privacy screens are not considered to impact on the character of the existing dwelling or the wider terraced block. Furthermore the proposed works will not harm the amenities of the adjoining and nearby occupiers in respect of overbearing impacts and privacy.

The application is recommended for approval.

#### **SITE AND CONTEXT**

The application site relates to 7 John Batchelor Way, Portway Marina, a three storey terraced dwelling, located within the Penarth Settlement Boundary. This part of Penarth is characterised by flatted blocks and terraced dwellings of varying scale and design.

The application site forms part of a four-dwelling terrace, No's 6 and 7 are identical in design and scale and form the dominant three storey pair at the centre of this arrangement, with No's 5 and 8 (two storeys dwellings) located on either side.

## DESCRIPTION OF DEVELOPMENT

The application seeks consent for a garage conversion, balcony extension with privacy panel and elevational change to the front with a privacy panel to rear balcony.

The elevational change includes the installation of bi-fold doors to the front elevation with the introduction of an additional arch. It also includes an extension to the balcony and new balustrade to match the neighbouring properties.

The proposed smoked glass privacy screens to both front and rear would measure 1.8m in depth and to a height of 1.8m reducing to 1.5m. The privacy screens would be smoked glass.

Plans of the proposal are shown below.





## PLANNING HISTORY

1984/00282/RG5, Address: Penarth Dock East End, Penarth, Proposal: Reg. 5 - Construction of marina and assoc. works and residential units, Decision: Approved;

1990/00681/OUT, Address: Land at and around Penarth Dock, Penarth, Proposal: Residential, retail, leisure, commercial, business & industrial, boat related use, open space, new highways, boulevard & promenade, Decision: Approved;

1991/00575/OUT, Address: Penarth Haven, land at and around Penarth Dock, Penarth, Proposal: Comprehensive redevelopment for residential and mixed uses (as per attached statement), Decision: Approved;

1995/00986/FUL, Address: Land at and around Penarth Dock, Penarth, Proposal: Variation of Condition No. 2 of outline consent reference 91/00575/OUT to provide a further three years for the submission of reserved matters, Decision: Approved;

1996/00882/FUL, Address: Sites 5 and 6, Penarth Haven, Proposal: Erection of 128 dwelling units - 3 & 4 storey flats, 3 storey town houses, 2 storey houses, Decision: Approved;

1998/01333/FUL, Address: Land at and around Penarth Dock, Penarth, Proposal: Vary application 95/00986/FUL to provide a further 3 years for approval of reserved matters, vary Condition 2 on application 91/00575/OUT to provide a further 3 years, Decision: Approved;

2007/00741/FUL, Address: 7, John Batchelor Way, Penarth, Proposal: Front fenestration and balcony modifications, Decision: Refused;

2009/00753/FUL, Address: 7, John Batchelor Way, Penarth, Proposal: Proposed first floor balcony to rear, Decision: Approved;

2017/01238/FUL, Address: 7, John Batchelor Way, Portway Marina, Penarth, Proposal: Garage conversion, elevational change and extended balcony to front, Decision: Refused;

2018/00889/FUL, Address: 7, John Batchelor Way, Portway Marina, Penarth, Proposal: Balcony extension and French doors to the front elevation of the property and a garage conversion, Decision: Approved;

## CONSULTATIONS

1. Penarth Town Council were consulted and a response was received which raised an objection.
2. St. Augustines Ward members were consulted and a response was received from Cllr N. Thomas which stated the proposed changes appear to match with the neighbouring property which have been considered acceptable to planning. Further comments were also received which stated that following concerns from the neighbouring property relating to the balcony. Comments draw attention to the fact that previous plans provided a more mirrored appearance between the two dwellings, possible overlooking towards no.8. The neighbour suggested that the application should be heard at Committee and as there are retrospective permission aspects Cllr Thomas suggested that the application could benefit from being considered at Committee.

Comments were also received from Cllr Bird relating to comments received from a neighbouring property and the application was called into committee for full consideration.

## REPRESENTATIONS

The neighbouring properties were consulted on 2 December 2019 and 6 objections were raised by neighbouring properties stating the following concerns;

- The privacy screen would be an unwelcome addition, and do not support the smoked glass.
- The scale and material of the screen is not in-keeping with the aesthetic street-scene and would represent a highly unsympathetic element in the overall composition of the combined 3 storey facade.
- Objection due to the visual and neighbouring amenity, as the new plans vary from promised and no longer give the balance and mirror image effect. Privacy screen will be out of context with the existing character and amenity.
- There would be no arch headed windows as agreed on previous application
- Do not agree the privacy screen as it would have negative impact on neighbour amenity due to its size and location with the principle outlook from the rooms and will cause unwelcome over shadowing.
- Screen will enclose immediate outlook and impact the loss of daylight and sunlight.
- Within the previous application the case officer stated a privacy screen would not be necessary.

## REPORT

### Planning Policies and Guidance

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

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

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy

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

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

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

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

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

### **Technical Advice Notes:**

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

- Technical Advice Note 12 – Design (2016)

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

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

### **Supplementary Planning Guidance:**

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

- Residential and Householder Development (2018)

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

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

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

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

## **ISSUES**

### **Principle of development**

Members should note that planning permission has been granted under planning permission ref. 2018/00889/FUL for the garage conversion, and balcony extension to the front and balcony enclosure, as set out below:



This new application also seeks consent for the garage conversion, balcony extension, front elevation alterations (as already approved) with the addition of privacy screens to the front and rear balconies, minor variation to the corner detail of the front balcony and a variation to the glazing to the ground and first floors.

This application will not reconsider the elements which have previously been approved and which still benefit from planning permission and which remain acceptable having regard to both national and local planning policies and Supplementary Planning Guidance.

This report will consider the alteration to balcony design to provide a curved edge finish to the corner of the balcony, the installation of French doors at first floor and the plain glass doors at ground floor. The application will also consider the proposed privacy screens to the front and rear balconies.

**Design and visual impact**

Policy MD2 Design of New Developments of the Vale of Glamorgan Local Development Plan 2011-2026 states that in order to create high quality, healthy, sustainable and locally distinct places development proposals should:

1. Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;
2. Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density;

Policy MD5 Development within Settlement Boundaries states that new development within settlements will be permitted where the proposed development:

1. Makes efficient use of land or buildings;
2. Would not prejudice the delivery of an allocated development site;
3. Is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality.

The property has undertaken the garage conversion as approved under application 2018/00889/FUL, however the application is seeking retrospective consent for the installation of plane French glass doors with fixed glazed side panels in place of the approved glazing which showed the glazing being multipaned. Bi-fold doors at first floor have also been used instead of the approved French doors with the arched windows either side.

The plain glazing to the ground floor in place of the approved multipane glazing is not considered to adversely impact upon the character and appearance of the dwelling or the wider street-scene, given that a number of neighbouring properties also have plain glazed windows. The plain glazing is a minor alteration and is considered acceptable.

The installation of the bi-fold doors is considered to alter the front elevation, as it provides a relatively modern and larger opening. However, the bi-fold doors are not uncommon in properties within the Marina to provide access onto balconies and do not detract from the appearance of the dwelling.

It is noted that the dwelling has retained the arch window to the right of the elevation and proposes an additional arch on the left of the French doors. It is noted that the property originally had one arch, however the introduction of another arch window above the door is considered to add symmetry above the French door and would be in-keeping with the appearance of the property.

It is noted that the balcony to the front is now shown to be have a curved corner as opposed to a ninety degree corner, which would better match the balcony adjoining neighbouring property and the neighbours at no.2 and 3.

The application proposes a privacy screen to the front and rear elevations of the property, on the boundary with the adjoining property. The privacy screens would be 1.8m in height reducing to 1.5m and would be 1.8m in depth. Concerns have been raised from neighbours over the impact upon visual amenity of the property.

Obscure glass privacy screens have been installed at a number of properties within the marina, including no.1 and no.2 Plas St. Adresse and no.9 John Bachelor Way.

The smoked glass privacy screen to the front elevation would be widely visible from the street given the three storey dwellings are set forward in the terraced block. Due to the modest depth of the balcony, the privacy screen would be of a moderate scale that would not unacceptably impact upon the character and appearance of the property, the adjoining properties and the wider street-scene. In addition, it is noted that glazed privacy screens are generally a common feature on balconies and therefore is not considered to appear out of place within the street-scene.

With regard to the rear privacy screen, it is noted that numerous properties have installed obscure glass screens. The screen would be set back from the road due to the parking area to the rear. The privacy screen would be of a modest depth to and would match the design of neighbouring properties and is not considered to unacceptably impact upon the character and appearance of the dwelling.

With regard to the previous application for the erection of the balcony, a condition was attached for further details of the railing details and elevation of the balcony to be submitted. It is noted that this application has not yet been satisfied and therefore the condition requesting the same further details will also be attached to this permission.

### **Impact on neighbours**

With regard to the neighbouring properties, it is noted that the adjoining neighbour at no. 6 has raised concerns over the proposed privacy screen on the front elevation. The privacy screen would extend 1.75m on the applicant's eastern boundary, to a height of 1.8m, stepping down to a height of 1.5m at the end of the balcony screen. The privacy screen is specified as being constructed of smoked glass. Due to the orientation of the sun from east to west it is considered that the screen would not impact upon the loss of sunlight into the neighbouring property during the day however would potentially result in a very marginal loss of light when setting over the western side of the property. Notwithstanding this, due to orientation of the buildings facing north-west, evening sunlight is screened by the western elevations of the dwellings. Furthermore, it should be noted that the balcony screen is limited to a depth of 1.75m and height of 1.8m, and given the modest depth of the screen it is not considered to result in an unacceptable loss of light to the neighbouring property.

Comments raised by the neighbour state that under the previous application 2018/00889/FUL the case officer states that a privacy screen was not deemed necessary due to the existing situation where the original balconies overlooked each other.

It is noted that from the original balconies at the properties that the level of overlooking already existed and the minor increase in depth of 0.5m of the extended balcony is not considered to result in an additional level of overlooking that would harm their residential amenity. On this basis, it was concluded in the previous application (2018/00889/FUL) that a privacy screen was not required to make the use of the extended balcony acceptable. The assessment of this application reiterates the findings and assessment from the previous application, however, the previous application did not consider the acceptably should a privacy screen be proposed, which is the case within this application.

The proposed privacy screen would result in existing views from the adjoining neighbour at no. 6 being restricted, when viewed from both rear balcony and from the glazed door and window serving their first floor living room. However, these views would be over a private

balcony. As stated above, the balcony screen due to its limited depth and height is not considered to have any overbearing impacts on the adjoining occupiers' amenities. The loss of the view over the neighbour's balcony is not a material consideration.

The neighbouring property would still retain its views of Cardiff Bay from their balcony albeit more limited with the loss of viewed over the neighbour's balcony. It is noted that the privacy screen would be partially visible from inside the neighbour's property when looking out of the balcony door to the west, however the visibility of the screen is not considered to unacceptability impact upon their residential amenity.

With regard to the neighbours at no.8, the front elevation of the property is set back from the application site and the privacy screen would be screened from view and would be set off the boundary by approximately 5.2m.

In respect of the rear privacy screen and its relationship with No.8, although the rear elevation extends beyond the rear elevation of the application site, views of the screen would be restricted by the existing obscure glazed privacy screen located on the boundary between the two properties. The proposed balcony screen is not considered to impact upon the residential amenity or privacy of this neighbour.

Having regard to the impact of the rear privacy screen on no.6, it is noted that the privacy screen would be visible as it would be located on their adjoining boundary. However, as stated above for the proposed front elevation balcony screen is the modest depth and height of the screen is not considered to result in an overbearing impact on the neighbour.

### **Other matters**

A letter of support was received from the applicants as they are unable to attend to Committee meeting. The letter drew attention to the fact that a number of privacy screens have been erected through the granting of permission or through a condition along John Batchelor Way and Penarth Marina, including applications 2009/00250/FUL, 2009/00250/FUL, 2009/00753/FUL, 2016/01069/FUL, 2009/00750/FUL and 2014/00828/FUL.

In addition, a previous approval for the adjoining neighbouring property at no.6 stated within the assessment that the proposed balcony was considered acceptable especially given that balcony screens were shown on the design, however this screen has not been erected.

### **RECOMMENDATION**

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

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

Gen Arr Plans and Elevations Rev B - 2099-11 - Received 19/11/19  
Existing and Proposed Elevations - 2099-14 - Received 19/11/19  
Railing details - 2099-13A - Received 19/11/19  
1.1m side elevation balcony rail details - 19/11/19  
Construction details of balcony - Received 19/11/19

Reason:

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

2. Notwithstanding the submitted plans, prior to its erection on site, further details of the proposed balcony enclosure (to a scale of 1:20) including manufacturers details and specifications shall be submitted to and approved in writing by the Local Planning Authority and the balcony shall be erected in accordance with the agreed details.

Reason:

In the interests of visual amenity and to ensure the balcony design matches the neighbour in compliance with the terms of MD2 Design of New Development of the Local Development Plan 2011-2026.

### REASON FOR RECOMMENDATION

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

With regards to Policies MD2 Design of New Development, MD5 Development within Settlement Boundaries and SP1 Delivering the Strategy of the adopted LDP as well as guidance within the Residential and Householder Development SPG these proposals are considered acceptable in terms of their impacts on visual amenity, the street scene, the character of the existing dwelling and neighbouring amenity.

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

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

### NOTE:

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

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

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

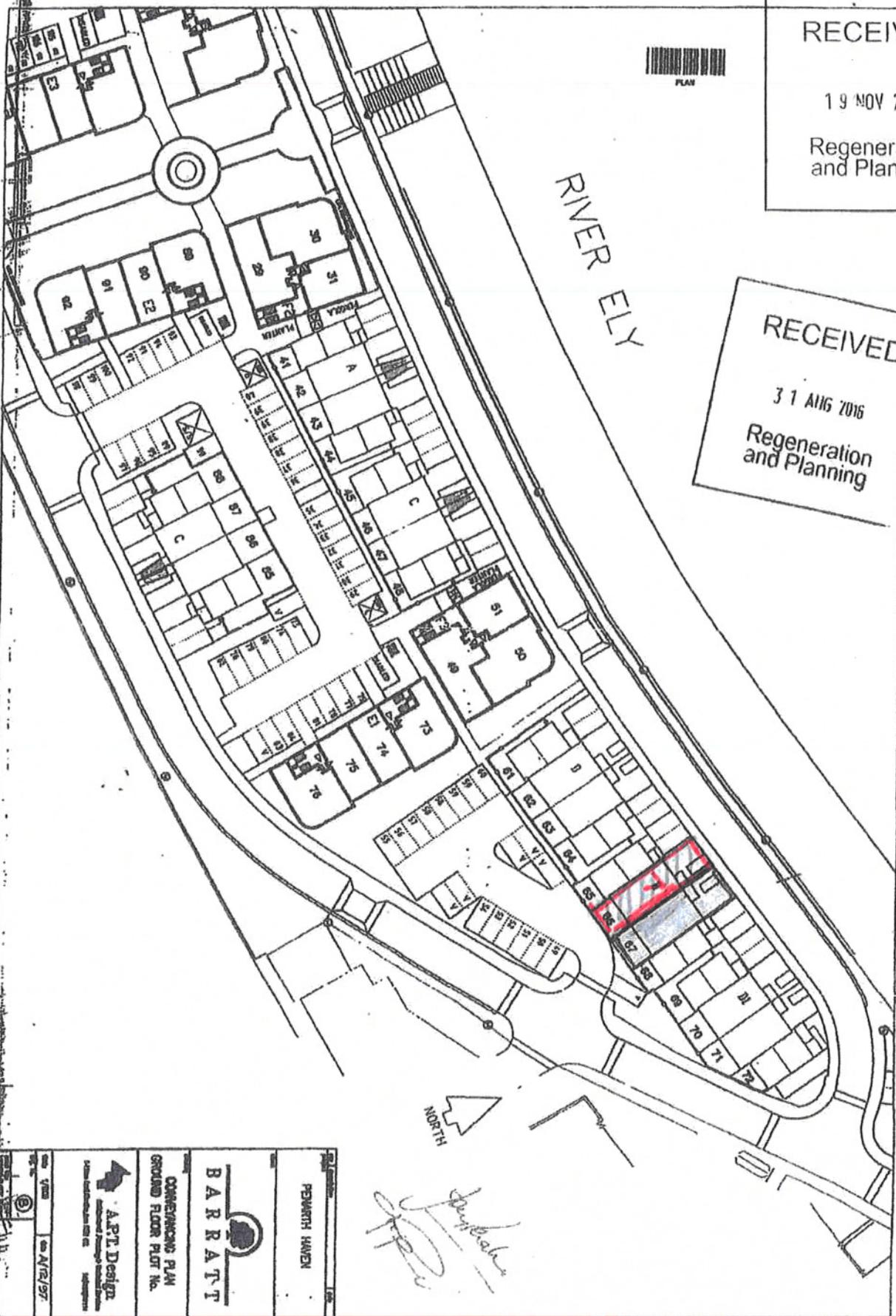
**Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.**

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PWARRTH HAVEN	
<b>BARRATT</b>	
COMMERCIAL PLAN GROUND FLOOR PLAN No.	
A.P.T. Design Architectural Practice 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200	
Scale 1:500	Date 14/12/97

**2019/01290/OUT** Received on 16 December 2019

**Applicant:** Kevin Reaney SWTR, The Business Centre Cardiff, Cardiff House, Cardiff Road, Barry, CF63 2AW

**Agent:** Paul Hayes PAH Building Design & Technology, 36, Moy Road, Taffs Well, Cardiff, CF15 7PX

**Time House, 168B, Regent Street, Barry**

Demolition of existing building and construction of 2 no. two bedroom flats

**REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr. Ian Johnson because the application has generated significant local interest, due to the proposed demolition of the existing commercial premises and replacement with a residential development; the lack of amenity space associated with the proposal; the pressures upon on-street car parking as a result of a development within a highly urban environment and given that the proposals for two apartments represent an over-development of the site.

**EXECUTIVE SUMMARY**

A previous application to demolish and re-build a larger building was refused on the grounds of its impact on neighbours and the lack of amenity space provision. This proposal seeks to demolish the building and re-construct a new building to accommodate 2 flats, which matches the existing height but would have a smaller footprint. The units would be served by a small shared outdoor amenity area, and there would be no parking on site.

Objections have been received by 5 neighbours, including a petition signed by 29 local residents. Barry Town Council have submitted a strong objection.

The main issues to consider are the principle of the change of use, the visual impact of the new building, amenity space provision, whether relying on street parking is acceptable, and the impact on neighbours. The application is recommended for approval, subject to conditions.

**SITE AND CONTEXT**

The application relates to Time House, a coach house located within the Barry settlement boundary. The coach house is one of two which front this section of the street – however, the remainder of the buildings within this section of Regent Street do not front the street and instead front either Gladstone Road or Woodlands Road. The site's location is shown below:



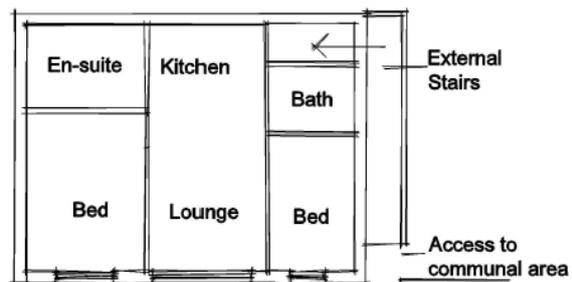
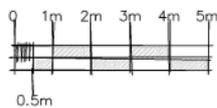
## DESCRIPTION OF DEVELOPMENT

The application seeks outline consent for the demolition of the existing building and the construction of 2, two-bedroom flats.

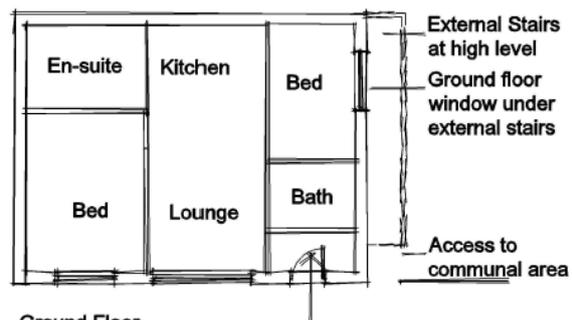
The proposed new building would match the depth of the existing building but would be approximately 1m less in width (i.e. the elevation fronting the road). The proposed building would match the existing height of the building – both in terms of its height to the ridge and its height to the eaves. The south-east section of the plot would provide approximately 28.8sq.m of amenity space for both flats. The plans below show the existing and proposed site layouts:



Following a request by the case Officer, indicative plans have been received so that it can be ascertained as to where windows etc. would potentially be located. The following plans have been received but are indicative only.



First Floor



Ground Floor

## PLANNING HISTORY

2019/00855/OUT, Time House, Regent Street, Barry. Demolition of existing coach house and construction of 4 no. flats. Refused for the following reasons:

*1. By reason of the constrained size of the site and the number of units proposed, the proposed units would not be adequately served by outdoor amenity space, resulting in substandard living conditions for the occupiers. The proposed development is, therefore, contrary to Policies SP1, MD2 and MD5 of the Vale of Glamorgan Local Development Plan 2011 - 2026, the Council's Residential and Householder Development (2018) SPG and the advice contained within Planning Policy Wales 10th Edition.*

*2. By reason of its height, length and proximity to the boundaries and windows of the neighbouring properties, the proposal would be an unacceptably overbearing form of development that unacceptably impacts upon residential amenity. The proposal is therefore considered to be contrary to Policies MD2 and MD5 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the Council's approved Supplementary Planning Guidance 'Residential and Householder Development (2018)', and the advice within Technical Advice Note 12 and Planning Policy Wales (10th Edition).*

1983/00615/FUL, 168, Woodland Road, Barry - Offices Stores, Regent Street, rear of. Conversion of offices stores to 4 self-contained flats, Refused

## CONSULTATIONS

**Barry Town Council** were consulted and commented to state the following:

*Barry Town Council strongly objects to the proposed development of 2x2 bedroom flats for the following reasons -It fails to comply with requirements for amenity space and off street car parking as advocated within the adopted Vale of Glamorgan Supplementary Planning Guidance documents i.e. (1) Residential and Householder Development and (2) Parking Standards -The proposed construction of two 2 bedroom flats is an overdevelopment of the site.*

**The Council's Highway Development team** were consulted and commented to state that they had no objection as the building would not constitute a material increase in the number of vehicles accessing the proposed development and also, no dwellings currently front Regent Street. The Highway's department has also requested that a dropped kerb is stepped up and reinstated as a pedestrian footway.

**The Councils Drainage Section** have been consulted and commented to state that the site is not located within a DAM at risk of tidal or fluvial flooding and NRW maps indicate that there is a low risk of surface water flooding to the site. They have also stated that no surface water information has been provided with this application and that a SuDS Approval Body approval would be required prior to the commencement of development.

**The Council's Shared Regulatory Services (Pollution) department** were consulted and commented to state that they had requests for conditions relating to a mitigation scheme against sound and dust etc.; no burning of waste or other materials on site; restrictions to construction hours; and further restrictions to potential piling operations. SRS have also advised that necessary measures are taken to remove any potential asbestos that may be present on site.

**Dwr Cymru / Welsh Water** were consulted and commented to state that there was capacity in the public sewerage network; the application required SUDs approval; would need to contact Welsh Water to connect to the system via a S106 of the Water Industry Act 1991; and is advised to contact them as not all public sewers and lateral drains are recorder on maps.

**The Council's Housing Strategy team** were consulted and commented to state that as the proposal was for two units, no affordable housing was required.

**Buttrills Ward members** were consulted and Cllr Ian Johnson has requested that the application is called in on the aforementioned grounds.

**The Council's Contaminated Land, Air & Water Quality team** have been consulted and commented to state that contamination is unknown and therefore an unforeseen contamination condition is required, in addition to informative.

## REPRESENTATIONS

The neighbouring properties were consulted on 6 January 2020 and a site notice was also displayed on 13 January 2020.

To date, comments have been received by five neighbours, one of which included a signed petition which included the names and signatures of 29 local residents. It should be noted that the petition includes the reference number for the previously refused application and refers to 4 dwellings. However, given that the petition has been received as part of this application, it is nevertheless taken as a representation to this proposal.

A summary of neighbouring comments are as follows:

- Parking is already overcrowded and there is no space to accommodate more.
- Survey for parking is inaccurate and identifies spaces which are either too small or are not valid spaces.
- Complaint regarding the lack of time for objections
- Information offered is mis-leading
- Overbearing nature of proposed walls
- The removal of the wall would leave gardens open
- Overlooking and loss of privacy
- Higher building would result in loss of sunlight to a kitchen
- Bin area would result in a smell and flies
- Moss falls from the roof onto adjoining property
- Demolition of the building would leave the rear lane open and result in safety issues

## REPORT

### Planning Policies and Guidance

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

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development

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

**Strategic Policies:**

POLICY SP1 – Delivering the Strategy  
POLICY SP4 – Affordable Housing Provision  
POLICY SP7– Transportation

**Managing Growth Policies:**

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

**Managing Development Policies:**

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development  
POLICY MD5 - Development within Settlement Boundaries  
POLICY MD16 - Protection of Existing Employment Sites and Premises

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

**Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

**Technical Advice Notes:**

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

- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 23 – Economic Development (2014)

**Welsh National Marine Plan:**

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

## **Supplementary Planning Guidance:**

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

- Affordable Housing (2018)
- Barry Development Guidelines
- Parking Standards (2019)
- Residential and Householder Development (2018)

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

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

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

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

### Issues

#### Background

A previous application to demolish the building and re-build for four flats was refused on the basis that it did not provide a sufficient level of amenity space and would have had an unacceptable impact on neighbouring properties.

The proposed scheme has been altered to reduce the footprint of the building; to reduce the number of residential units; and to increase the level of amenity space provided.

In assessing the proposal against the above policies and guidance, it is considered that the main issues include:

- the principle of residential development in this location (including loss of employment space);
- the impact on the character of surrounding area;
- parking provision & highway/pedestrian safety;
- the effect on neighbouring and general residential amenities;
- amenity space.

## Principle of the development

The site falls within the settlement boundary of Barry, as identified within the Vale of Glamorgan Local Development Plan 2011-2026. New residential development is considered to be acceptable in principle in this location (within a settlement), subject to meeting the criteria of other relevant policies in the Plan.

## Loss of employment site

Whilst the unit is currently vacant, its current/last use was a B1 office and therefore the change of use to residential would result in the loss of an existing employment premise.

Policy MD16 seeks to protect against the loss of existing employment sites and premises to non-employment (class B1, B2 and B8) uses, unless it is clearly demonstrated that the site is no longer suitable or viable for employment uses; or the existing employment use has unacceptable adverse impacts on amenity or the environment; or land of equal or better quality is made available for employment uses elsewhere.

Where proposals involve the loss of an existing employment site or premises the Council will usually require an application to be supported by appropriate supporting evidence to justify overcoming the policy objection. In this instance, during the course of the previously refused application, a letter was received from Knights Estate Agents dated the 14 May 2019 (along with a subsequent letter dated 16 October 2019) which stated that they have been marketing the property since 7th September 2018. The unit had been occupied by the same business since 1988, who vacated the premises in March 2018 and it has been empty since. The site has been marketed on websites such as Rightmove, Onthemarket and also Knights' own website. In addition, it has been advertised in local papers and it was noted on site that there was an advertising board on the building. The applicant has stated that the estate agents were seeking offers in the region of £90,000 and the letter states that an offer was received, however this was below the asking price and subsequently not accepted.

An online search has found what appears to be a broadly similar of building (in terms of size) along Spencer Street which is on the market for £60,000 - £30,000 less than Time House. Spencer Street is approximately 100m away from Time House and therefore the context of both is generally similar. However, the condition of the building on Spencer Street appears to be considerably poorer and this is likely to justify the difference in price.

### Spencer Street, Barry, Vale Of Glamorgan



Commercial - £60,000

An opportunity to purchase this detached stone coach house situated off the main thoroughfare of busy Holton Road shopping centre. Set over two floors and benefiting from power and lighting measuring approximately 35 ft x 28 ft. Approx: 1960 ft.2. Please note; there is no water supply or yard with this property. It has been previously used to store building materials.

[More Details ▶](#)

x<sup>2</sup> 980sqft

Source: Knights website

Planning Policy Wales (10th edition) and Technical Advice Note 23- Economic Development (TAN:23) support the LDP's stance. TAN 23 advises in paragraph 4.6.8 that:

*“The traditional employment uses tend to generate lower land values than many other land uses, especially housing and retail, consequently, any land lost to these uses is generally difficult to replace. Planning authorities should avoid releasing for other uses sites where there is strong evidence of likely future need for B1-B8. In some areas, older, lower-cost employment areas may be required, especially for small and new firms who cannot afford newer and more prestigious accommodation. The loss of such areas may cause harm to local economies and should be avoided.”*

Additionally, TAN 23 sets out a number of criteria where it would be acceptable for employment sites to be released for other uses. Specifically, paragraph 4.6.9 outlines that existing employment sites should only be released for other uses if one or more of the following apply:

- They have poor prospects of being re-occupied for their previous use;
- The particular market that the site is part of is oversupplied;
- The existing employment use has unacceptable adverse impacts on amenity or the environment;
- The proposed redevelopment does not compromise unduly neighbouring employment sites that are to be retained;
- Other priorities, such as housing need, override more narrowly focussed economic considerations; and/or
- Land of equal or better quality is made available elsewhere, even if this is not within the local planning authority boundary.

In this instance, it has been demonstrated that the unit has been advertised and therefore it is considered on balance that there are genuinely poor prospects for the unit to be re-occupied for its previous use. It is therefore considered that sufficient evidence has been submitted to suggest that such a use is no longer viable in this location, which satisfies the requirements of policy MD16 and the above national advice. The proposed residential use is, therefore, considered acceptable in principle and it should be noted that the previous application was not refused on these grounds.

### Design and Visual impact

The coach house building historically related to the rear garden of 168, Woodlands Road, however, given the boundary divide and the use of the building for a separate business use, it appears that it no longer has any ancillary connection to the property.

The coach house building itself is not historically significant and has no special features architecturally that would demand its retention. As such, the demolition of the building is considered acceptable in this instance in principle and there would not be a significant loss to the character of the street scene (subject to the quality of what is subsequently built - a matter that the Council has full control of).

Policy MD5 (Development within Settlement Boundaries) and the general design criteria set out in Policy MD2 (Design of New Development) require proposals to be of a high standard of design and respond appropriately to the scale, form and character of the neighbouring buildings, while minimising the impact upon adjacent areas. These

sentiments are supported by Planning Policy Wales (Edition 10) and TAN12- Design (2016).

In terms of the character of the wider area, Policy MD2 is also of particular relevance and states that ‘...new developments...will be of a high standard of design that positively contribute to the context and character of the surrounding natural and built environment and protect existing features of townscape or landscape interest’.

As yet, the detailed design of the proposed residential units is unknown, given that the proposal is in outline. However, it is known that the proposed ridge and eaves height would match those of the existing coach house and the overall footprint would be less. Consequently, the building would take a very similar general form to the existing (i.e. that of a traditional pitched roof coach house) and such a building is considered wholly compatible with the existing street scene. The reduced footprint would ensure that if anything, it would be more subservient to the principal dwellings in the area and it would certainly have no greater visual impact as a consequence of its size. Subject to the items of detail (that would be submitted as reserved matters) being acceptable in design terms, it is considered that a development would not have a detrimental impact on the wider streetscene and would comply with policies MD2 and MD5 of the Council’s LDP.

### Amenity space

Section 10 (Amenity Space) of the Council’s Residential and Householder Development SPG states that amenity space is essential and provides a number of important functions that contribute towards a resident’s enjoyment of a property. Those essential functions include space for relaxation, entertainment and play; gardening and cultivation; clothes washing and drying; DIY; and waste, cycle and other domestic storage.

In terms of the provision of amenity space, the Council’s Residential and Householder Development SPG recommends a minimum of 20sq.m of amenity space per person, the majority of which should be private in nature. The SPG states that typically, a one or two bedroom flat could have 2 persons and therefore, approximately 80 sq.m of amenity space would be required. In this instance, the proposal seeks to provide an area of amenity space adjacent to the south-east elevation of the building measuring approximately 28.8 sq.m. This area would also be used for bin storage etc.

The proposed figure falls short of the standards outlined within the Residential and Householder Development SPG. It is noted, however, that the site is constrained and therefore the available outdoor space is inevitably restricted. Even if the proposed building were to be replaced by a single dwelling (or if the building were to be converted) it would be very difficult to achieve amenity space which met the SPG standards. Given that the building has been marketed, it is accepted that a residential use is the most (if not only) likely future use of the building, and this is appropriate in principle given the predominantly residential context. The conversion of the building would not practically allow for outdoor space and, therefore a new, smaller building is considered the most appropriate option to allow beneficial use of the site while also providing an element of outdoor space. This represents efficient use of the land and while the space is smaller than optimum, it would nevertheless meet the basic outdoor functional and relaxation needs of the occupiers.

It is also noted that the units would be located in very close proximity to local parks etc. (Gladstone Gardens is located approximately 110m away by road) which would assist with ensuring there is sufficient other outdoor amenity space nearby.

## Parking

The unit is located approximately 80m away from the nearest bus stop on Gladstone Road and is located in close proximity to local shops, schools, doctor surgeries etc. Therefore, given the sustainable location of the unit, a maximum of one parking space per bedroom is required.

The proposed development would have no off-street parking and would therefore rely solely on on-street provision. In such circumstances, a parking survey is requested in order to demonstrate that sufficient parking can be provided to serve the site.

The previous application was supported by a parking survey which covered 20 minutes over two separate days (one weekend and one weekday). The monitoring took place at 10am and 6:30pm within 150m of the site and a space was classified as a parking space if it was over 6m long. The survey found the following:

- Tuesday 10am – 4 spaces adjacent to the site and 4 spaces along Gladstone Road
- Tuesday 6.30pm – 2 spaces adjacent to the site and 3 spaces along Gladstone Road
- Saturday 10am – 3 spaces adjacent to the site and 2 spaces along Gladstone Road
- Saturday 6.30pm – 2 spaces adjacent to the site and 5 spaces along Gladstone Road

During the course of the previous application (supported by the same survey), it was considered that the above information was not sufficient evidence to demonstrate that there is adequate parking available along the street and therefore, further information was requested.

Following such a request, a further survey was carried out on Wednesday 23 October and also Thursday 24 October 2019 between 9am to 9:30am and 14:45 to 15:30, which includes times where on street demand from the nearby school would add to parking pressure.

As part of the survey, photographs were submitted which demonstrate that there were a number of parking spaces available in the local vicinity (at least 3 at all times). It is also relevant to note that the employment use would have been likely to have had a parking demand, albeit there may not have been significant overlap with typical patterns of residential parking.

The Council's Highways department were consulted and have raised no objections, subject to the removal of the dropped kerb.

Taking the above parking analysis into consideration, the Council's highways comments and the sustainable location of the proposed flats, it is considered that there is sufficient parking available on street to meet the demand for parking. It is also noted that the parking surveys only seem to cover a small area of Regent Street and Gladstone Road, whilst in reality it is likely that there would be additional parking further afield.

Whilst the neighbour comments regarding parking issues have been taken into consideration, it is considered that in this instance there would be sufficient space to accommodate the spaces required as a result of the development. The parking standards

would require a maximum of four spaces, however, given the size and nature of the units, it is considered more likely that there would be a demand for a maximum of one space per unit. In particular, the dropped kerb will be removed (see condition 10) and the spaces shown on the surveys appear to be useable. While one representation refers to cars being parked close together, this is typical in such contexts and does not suggest capacity is lower than indicated.

The neighbour comments also refer to highway safety issues, however, it is considered that the proposed development would not raise safety issues, given that there is no new access to/from the highway and the development is unlikely to significantly affect traffic flows.

### Impact on neighbours

The neighbours at Gladstone Road and 170, Woodlands Road would be reasonably separated from the site and therefore, it is considered that a development could be designed which would not have any unacceptable overbearing or overlooking impacts – provided the overall design is sympathetic.

The previous proposals sought to demolish the existing coach house and replace with a larger building and therefore, concerns were raised regarding the impact of the proposals on numbers 168 and 166 Woodlands Road. Initially, the application as submitted proposed to construct a new building approximately 1m taller than the existing building. However, during discussions with the agent, it was advised that given the neighbouring impacts, a building of an identical (or smaller) scale (in terms of its height) would be needed in order to maintain an acceptable relationship with adjacent neighbours. The amended plan however proposes to maintain the existing height – both in terms of its ridge and eaves height.

The existing coach house is located adjacent to the rear gardens of 168 and 166, Woodlands Road and as such, the building's walls form the boundary walls for both gardens. The proposed new building would match the height of the existing building and would also be shorter. As a result, the impact of the proposed building on the neighbours at number 166 and 168 would be better and no worse than the existing scenario in terms of being overbearing. Whilst it is noted that there is likely to be some form of boundary treatment between these neighbours and the application site, such details can be assessed fully during an application for reserved matters in order to ensure that they do not have a detrimental impact.

In addition, it is noted from the site visit that the neighbour at 168 has a first floor window facing the proposed development which is located approximately 7.8m away. Given that the proposed building would be located further away than the existing building, it is considered that the impact on this window would be no greater than the existing building and would in fact be better in terms of its overshadowing or overbearing impact.

A concern was raised with the agent with regards to the possible location of windows within the development. Given the close proximity of the development to neighbouring gardens and habitable room windows, it is considered that the addition of first floor windows would have to be very limited. Whilst they are indicative only at this stage, the sketches received would indicate that there would be no windows on the rear elevation or side elevations.

The indicative windows on the front elevation would offer views towards neighbouring properties, however these windows would be located approximately 11m away from a neighbouring garden at number 170 across the road, (and another non-residential building) and therefore such views would not be un-neighbourly or unacceptably impact upon privacy.

The indicative plans show an external staircase, however, while that would appear, in principle, to only be a means of access (as opposed to a balcony/sitting out area) there should be no reason in principle why access to the first floor flat could not be achieved internally.

In summary, it is considered that the development would comply with the aims of policy MD2 and the Council's Residential and Householder Development SPG, in terms of neighbour impacts.

### RECOMMENDATION

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

1. Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development shall be carried out in accordance with the following scale parameters:

Max eaves height - 5.50m

Max ridge height - 7.50m

Max width - 9.00m (Side to side)

Max depth - 6.00m (Front to back)

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to ensure a satisfactory form of development in accordance with Policies SP1 (Delivering the Strategy) & MD2 (Design of New Development) of the Local Development Plan.

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

366/4/02 Site Location Plan received 25 November 2020

Design and Access statement- Rev D received 16 December 2020

366/4/01 D - Site Plan received 19 February 2020

Reason:

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

6. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to their use in the development, and the means of enclosure shall be implemented in accordance with the approved details prior to the part of the development that they relate to being put into beneficial use.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy MD2 of the Local Development Plan.

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

Reason:

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

8. Due to the potential for noise disturbance to local residents, the development should be subject to the following hours of operation, restrictions should include deliveries;

Monday – Friday

8:00 until 18:00

Saturday

8:00 until 13:00

With no Sunday or Bank Holiday working

Reason

To protect neighbouring amenities and to comply with policy SP1 (Delivering the Strategy) of the Council's Local Development Plan.

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

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

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

Reason:

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

10. Prior to the first beneficial use of the building, the existing dropped kerb for a vehicle crossover shall be stopped up and reinstated as pedestrian footway in accordance with the Council's standard details for adoption.

Reason

To assist with parking and to comply with policy SP1 (Delivering the Strategy) of the Council's Local Development Plan.

11. No development shall commence until details of a scheme of foul, land and surface water drainage has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the first beneficial use of the development and retained in perpetuity.

Reason:

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

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

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy SP1 (Delivering the Strategy) of the Council's Local Development Plan.

## REASON FOR RECOMMENDATION

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

Having regard to Policy SP1 –delivering the strategy, policy SP4 – Affordable Housing Provision, Policy SP7 – Transportation, Policy MG1 – Housing Supply in the Vale of Glamorgan, Policy MG4 – Affordable Housing, Policy MD1 – Location of New Development, Policy MD 2 – design of new development, Policy MD 5 – development within settlement boundaries and Policy MD16 – Protection of Existing Employment Sites and Premises of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the advice contained within the Council's Supplementary Planning Guidance on

Residential and Householder Development and Parking Guidelines, Planning Policy Wales 10th Edition and Technical Advice Note 12- Design, the development is considered acceptable in terms of its principle, scale, impact on neighbours, parking and amenity space provision.

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

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

**NOTE:**

- 1. Before work is commenced the applicant must ensure that, where necessary, the appropriate Building Regulation consent has been obtained.**
- 2. The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for**
  - (i) determining the extent and effects of such constraints;**
  - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;**
    - Unprocessed / unsorted demolition wastes.**
    - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.**
    - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and**
  - (iii) the safe development and secure occupancy of the site rests with the developer.**

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

- 3. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104**

**Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)**

- 4. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.**
- 5. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

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

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

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

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

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

# 1901290 OUT

This drawing is for planning purposes only, all dimensions are to be checked on site.

**Project Title**  
Kevin Reaney  
Time House, Regent Street  
Barry  
South Wales

**Drawing title:**  
Site Location Plan

**Date:** 18/06/19  
**Scale:** 1:1250@A3

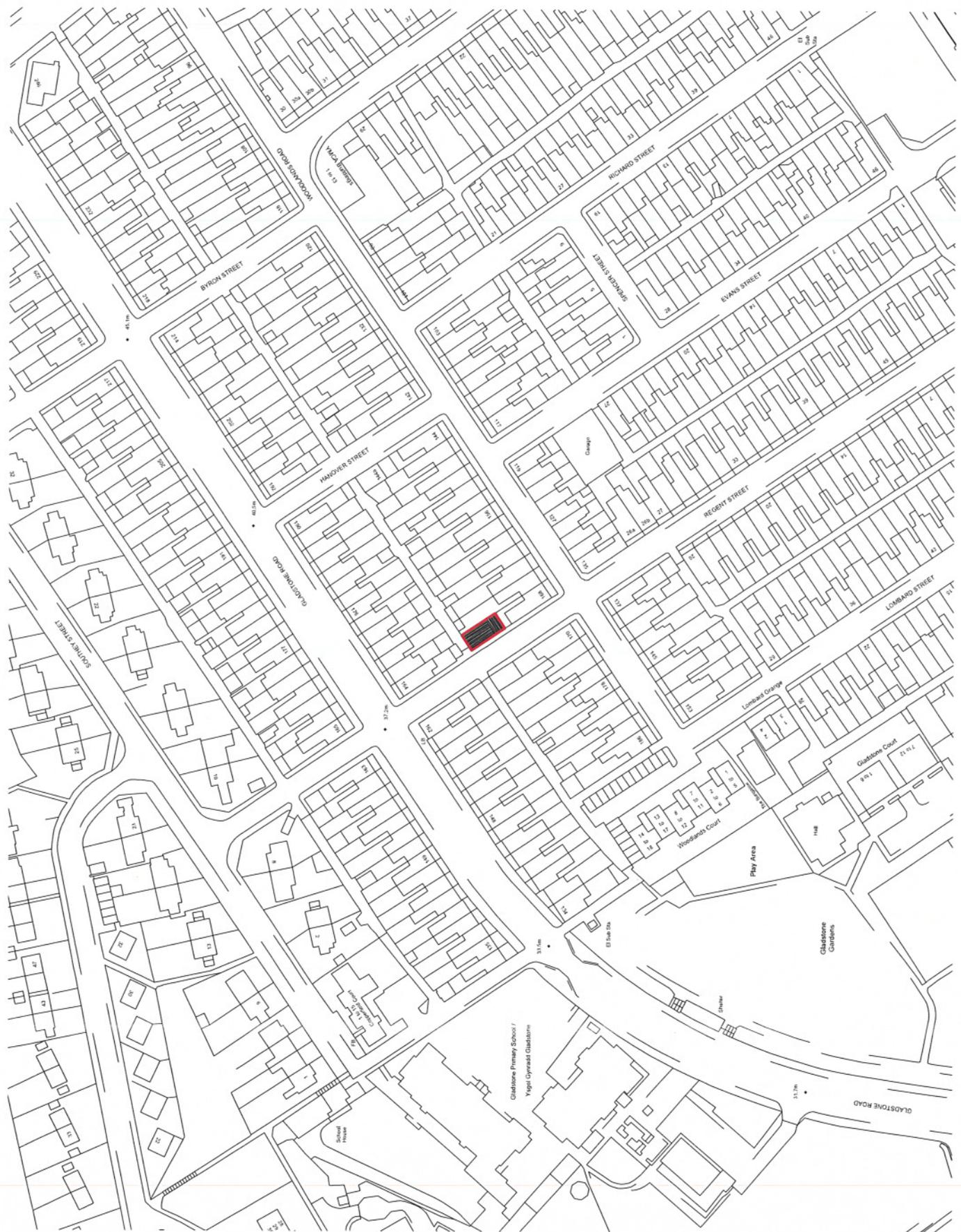
**Drawing No. Rev:** 366/4/02  
**Drawn by:** PH



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**2019/01295/FUL** Received on 23 January 2020

**Applicant:** Mr Mark Standish 20, Craig Yr Eos Avenue, Ogmores By Sea, CF32 0PF

**Agent:** Mr Matt John Atrium Planning Consultants, 12, Clarendon Road, Sketty, SA2 0SR

## **20, Craig Yr Eos Avenue, Ogmores By Sea**

Extension to the existing garage and first floor garage attic conversion.

### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Councillor S. Edwards for the following reasons.

*The proposed development would adversely impact neighbouring amenity in so far as it would appear/result in:*

- *Overbearing*
- *Loss of light*
- *Loss of outlook*
- *Overdevelopment*
- *Change to the street scene*

### **EXECUTIVE SUMMARY**

The application relates to a proposed extension to the existing garage and a first-floor garage attic conversion. This proposal is as a result of an amendment made to the original scheme (received on 26 November 2019). The initial proposal has been amended to extend the footprint of the development at the rear of the garage. The application was re-registered on the 23 January 2020.

Cumulatively, over the course of both applications, five neighbours have objected on separate occasions for each. They have collectively raised a number of concerns related to the impact the proposed extension will have on the street scene, the Glamorgan Heritage Coast and the amenity and value of neighbouring properties.

The primary issues to consider related to this application are whether the proposed garage extension and attic conversion will unacceptably harm the built character of the street scene at Craig Yr Eos Avenue or the character of the Glamorgan Heritage Coast, and the impacts of the proposed extension on the amenity enjoyed by neighbours. Having considered the above impacts, the application is recommended for approval.

### **SITE AND CONTEXT**

The application relates to 20, Craig Yr Eos Avenue, Ogmores By Sea. The property is two storeys, detached, and lies within the Ogmores By Sea Settlement Boundary and the Glamorgan Heritage Coast, as identified by the Vale of Glamorgan Adopted Local Development Plan (LDP) 2011-2026. The wider street scene at Craig Yr Eos Avenue consists of a mix of recently built detached homes as well some older bungalows towards the junction with Craig Yr Eos Road. The application property is also in proximity of a terrace of three properties and two semi-detached homes. The application property and

the adjacent number 19 Craig Yr Eos Avenue display a strong degree of symmetry at the head of the road.

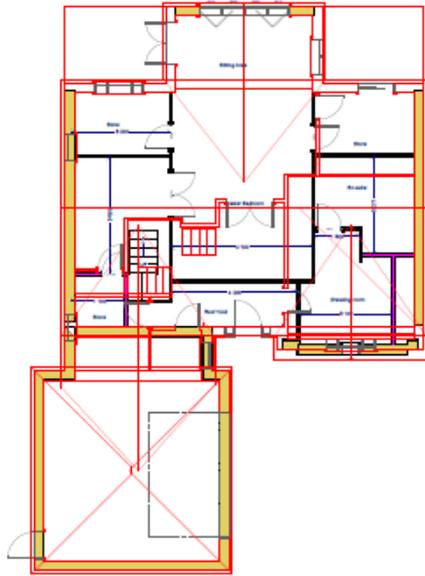
A site location plan is shown below.



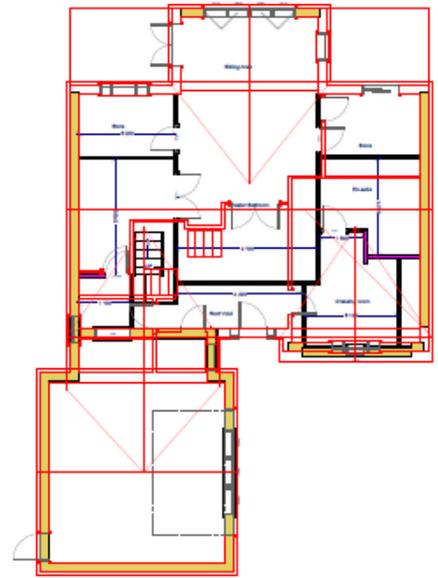
### DESCRIPTION OF DEVELOPMENT

The application seeks permission to convert the attic and extend the garage at 20, Craig Yr Eos Avenue. The garage would be increased in size by around 28m<sup>2</sup> and lengthened by approximately 3.2m, extending outward from the current rear elevation towards the boundary with Ger Y Mor. A section approximately 2m by 3.5m in size would project from western side elevation of the garage, extending into the rear garden of number 20. Furthermore, the current hipped roof would be replaced with a gable and as a result, the garage would have an eaves height of around 2.9m and a maximum ridge height of approximately 6.3m as opposed to the existing 5.3m (an increase of approximately 1m). Two sky light windows would be installed in the eastern side of the roof, facing number 19. Additionally, two gable end window openings would be installed, one facing the driveway and one facing the rear garden. The proposal is illustrated by the following set of existing and proposed plans and elevations.

## Existing Floor Plans

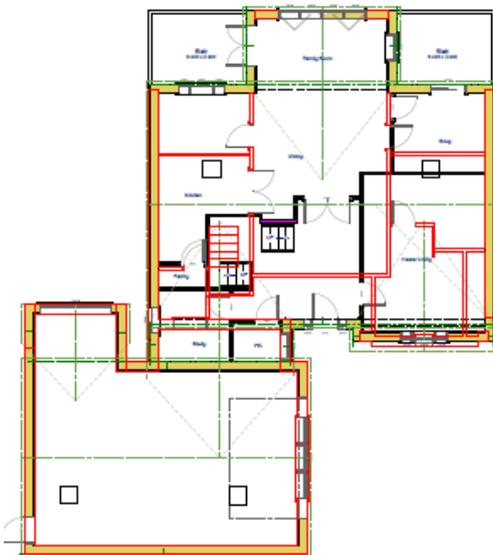


Existing Attic Floor

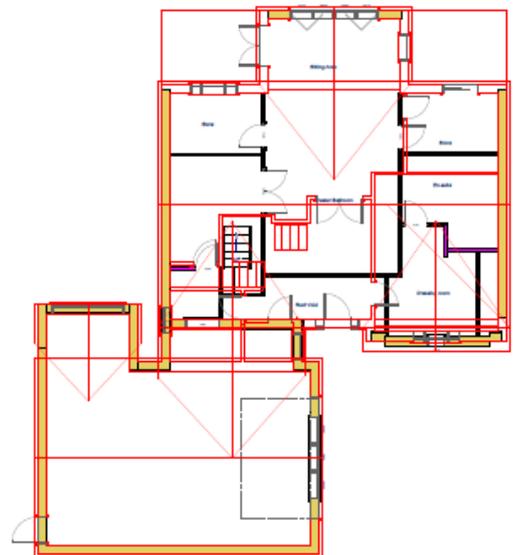


Proposed Attic Floor

## Proposed Floor Plans



Proposed Floor Plan



Proposed Attic Plan



## PLANNING HISTORY

2015/00016/1/CD, Address: Land South of Craig Yr Eos, Ogmored by Sea, Proposal: Discharge of Conditions-3- Schedule of Materials in construction (incl. samples), 7-Details (Levels/Sections) & 10-CEMP. Residential development for 20 dwellings, Decision: Conditions Partially Determined (Approved)

2015/00016/1/NMA, Address: Land South of Craig Yr Eos Avenue, Ogmored by Sea, Proposal: Non-Material Amendment-Remove condition 5 as no longer required with the comprehensive drainage scheme submitted under condition 4. The comprehensive drainage scheme does not require an underground tank. Residential development for 20 dwellings, Decision: Approved

2015/00016/3/NMA, Address: Land to the South of Craig yr Eos Avenue, Ogmored by Sea, Proposal: Non-material amendment to amend wording of conditions 7 (levels), 8 (highways engineering) and 22 (ecological management plan), Decision: Approved

2015/00016/4/CD, Address: Land to the South of Craig Yr Eos Avenue, Ogmored by Sea, Proposal: Discharge of Condition 22 - Ecological Management Plan. Residential development for 20 dwellings, Decision: Approved

2015/00016/4/NMA, Address: Land South of Craig Yr Eos, Ogmored by Sea, Proposal: Non-Material Amendment - Amendment to Condition 2 of 2015/00016/FUL to amend approved house types (see Description of Proposal document) - Residential development for 20 dwellings, Decision: Approved

2015/00016/5/NMA, Address: Land to the South of Craig Yr Eos Avenue, Ogmored by Sea, Proposal: Non-Material Amendment - Amendment to Condition 21 for public art to be provided off the site rather than on the site - Planning Permission ref: 2015/00016/FUL : Residential development for 20 dwellings, Decision: Approved

2015/00016/6/CD, Address: Land South of Craig Yr Eos Avenue, Ogmored by Sea, Proposal: Discharge of Condition Residential development for 20 dwellings - discharge of condition 21, Decision: Approved

2015/00016/FUL, Address: Land to the South of Craig Yr Eos Avenue, Ogmored by Sea, Proposal: Residential development for 20 dwellings (NMA), Decision: Approved

2019/00837/FUL, Address: 20, Craig Yr Eos Avenue, Ogmored By Sea, Proposal: Retrospective application for the retention of detached outbuilding to be used as ancillary to the enjoyment of the dwelling house, Decision: Approved

## CONSULTATIONS

**St. Brides Major Community Council** were consulted on 6 December 2019, 24 January 2020, and 11 February 2020. Their response dated 23 December 2019 stated that *“We as a Community Council looked at this application and could not find anything under planning laws to which we could object. We have had an email from a neighbour objecting to this application, in that the whole street scene will be changed. We as a Council are concerned, a resident on a new housing development now wishes to redesign their property”*.

*Following a re-consultation period, the response dated 16<sup>th</sup> March 2020 stated “St. Brides Community Council does not have the expertise to raise any planning objections to this application, but we are not at all happy with what is proposed. We understand that Waterstones were under considerable pressure from the vale planners to design and build houses that looked right and fitted in well with the surrounding area. The finished site looked correct, in that thought had gone into the design and build.”*

**The Local Ward Member Councillor Edwards** was consulted on 6 December 2019 and re-consulted on 24 January 2020. The response dated 16 March 2020 stated that they would like to call the application into Planning Committee for reasons including a loss of outlook, overdevelopment, loss of light, overbearing impact on neighbours, and it changing the appearance of the street scene.

## REPRESENTATIONS

The neighbouring properties were consulted on 6 December 2019 and were re-consulted on 24 January 2020 following submission of the amended plans. Two site notices were also displayed, the first on 9 December 2019 and the second on 11 February 2020. To date, a total of five neighbours objected to the original proposal and five neighbours objected to the amended plans. These responses have been collected and are summarised below:-

- Considering the proposed scale of the enlargement and the arrangement of new window openings, the proposed development would impede on the privacy of numbers 18 and 19 Craig Yr Eos Avenue. The enlarged garage would also overshadow these neighbours as it will cast shadows over the front of the properties which would result in a loss of daylight.
- The proposed height and bulk of the development would overbear the front of 19, Craig Yr Eos Road.
- The proposal does not respect the symmetry or design of the Tuskers Point Development and would appear incongruous and harm the character of the street scene as it does not respect the context of neighbouring buildings making it contrary to policies MD2 and MD5 of the Adopted LDP.
- The enlarged garage would be more visible and appear dominating from the Glamorgan Heritage Coast, contrary to Policy MG27 of the Adopted LDP.
- The proposed development would be oversized and appear bulky, which means approving this application would set a potentially harmful precedent for future extensions to properties in the area, contributing to the overdevelopment of the Tuskers Point Estate.
- The enlarged garage would result in the loss of sea views from adjoining properties and from those entering Craig Yr Eos Avenue which may also contribute towards a fall in property values and would affect the enjoyment of neighbouring properties.
- The proposal would result in a loss of outlook from several neighbouring properties, as the enlarged garage would obscure views of the Glamorgan Heritage Coast.

- The proposed extension would encroach on the southern boundary with Ger Y Mor and in turn would dominate the bungalow, contrary to the assessment of the original property under 2015/00016/FUL.
- The proposed floor plans are not detailed enough as they fail to specify the proposed use of the attic space.
- The site location plan is inaccurate and does not show the true curtilage of the property and fails to accurately represent the footprint of Ger Y Mor.

It is also noted that a letter of complaint was submitted by a neighbour to the ombudsman in response to alleged procedural irregularities. In summary, the complaint stated:

- “The revised plans were a significant material change in terms of site area, volume and overall impact compared to the initial planning application under reference 2019/01295/FUL and were re-submitted under the original application as a simple amendment.”
- “The original site plan was inaccurate and misleading on two counts” and was allowed to be corrected by the Agent during the consultation period: -
  - *“The drawn boundary included a neighbour’s property (garage & parking area for no.21) and exaggerated the applicant’s plot size by 20%.”*
  - *“The position of the adjacent bungalow (Ger Y Mor) was drawn out of position; thereby implying a substantial distance between it and the boundary between the properties.”*
- “The consultation period for objections and comments should have been 21 days from posting the site notice on 11th Feb 2020.” However, the website continued to accept comments after the 21 day consultation period had ended.”
- “The householders at ‘17 Craig Yr Eos Avenue’ are significantly impacted by the amended application yet did not receive any notification.”
- “There is an overriding feeling amongst neighbours that, for whatever reason, there appears to be undue leniency towards this application.”

## REPORT

### Planning Policies and Guidance

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

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

### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy  
POLICY SP10 – Built and Natural Environment

### **Managing Growth Policies:**

POLICY MG27 – Glamorgan Heritage Coast

### **Managing Development Policies:**

POLICY MD2 - Design of New Development  
POLICY MD5 - Development within Settlement Boundaries

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

### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales,

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

### **Technical Advice Notes:**

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

- Technical Advice Note 12 – Design (2016)

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

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

## **Supplementary Planning Guidance:**

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

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

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

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

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

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

## **Issues**

The main issues to consider will be the impact the proposed development would have upon the appearance and character of the property, the street scene, and the Glamorgan Heritage Coast. The second portion of the report will consider the impact the proposed garage extension would have on neighbouring properties and will address each of the points raised by adjoining and nearby neighbours. The report will also assess whether the proposed development would result in an unacceptable loss of private residential amenity space and parking provision at the property.

## **Design and Visual Impact**

The following criteria have been taken from Policy MD2 of the Adopted LDP (2011-2026). To ensure new development creates high quality, healthy, sustainable and locally distinct places, development should:

*Criterion 1 "Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest"*

*Criterion 2 "Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density"*

In addition, the property lies within the Ogmore By Sea Settlement Boundary. Therefore, the following criteria taken from Policy MD5 of the Adopted LDP (2011-2026) should be complied with. Development will be permitted whereby:

*Criterion 3 It “is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality”*

*Criterion 4 “The proposal would not result in the loss of natural or built features that individually or cumulatively contribute to the character of the settlement or its setting”*

Having regard to scale, the proposed garage extension and attic conversion would enlarge the footprint of the house by an additional 28m<sup>2</sup>. In addition, to convert the attic space, the application proposes to raise the ridge height and replace the current hipped roof with a gable design. Given that the gable roof would have a ridge height of approximately 6.3m, it would increase the height of the garage by 1m (from 5.3m). However, the eaves height would remain the same at 2.9m and the raised ridge would not exceed the highest part of the existing dwellinghouse. Furthermore, it would continue to appear demonstrably subservient to the main house and the ancillary relationship that it has to the main part of the house would not be fundamentally altered.

Therefore, in terms of the impact this would have on the character of the existing property, it is considered that the extended garage would not appear over scaled or inappropriately proportioned in relation to the original design of the property, given that the garage (as extended) would appear subservient in scale to the original dwellinghouse. The change from a hipped roof to a gable would not be harmful to the character of the house and the design is considered to be wholly compatible with the existing house.

In consideration of the impact on the street scene, while it is noted that the footprint of the garage would be extended to the rear, from Craig Yr Eos Avenue, the most appreciable change would be the change in roof design, with the gable end and first floor window facing the street. While this would differ from the existing design and the design of the neighbouring garage at number 19, it would not appear visually incongruous in the context of the existing street scene. It is acknowledged that there is a pleasant symmetry between the garages of numbers 19 and 20, however, the street scene as a whole is not uniform throughout and protecting the character of the street scene is not reliant on maintaining a rigid uniformity. Consequently while the existing symmetry between those garages would be affected, it is considered that this relatively modest change would not significantly or unacceptably affect the character of the wider built environment.

It is also acknowledged that the development is relatively young and that neighbouring residents derive a lot of enjoyment from the design quality of the street scene. However, it is not uncommon for occupiers of new houses to wish to alter and extend them, and there are no defensible planning reasons, in the opinion of officers, for seeking to resist modest alterations of this nature to preserve the original form of the dwellings.

It should also be noted that the garage at number 20 sits at a lower level than the garage at number 19, which assists in mitigating the apparent change in scale between the two.

The plans indicate that the extension would be finished in matching exterior materials to the existing elevations. Part 8.3 of the Council’s Residential and Householder Development SPG (2018) states that exterior materials should normally match or replicate those used on the existing elevations and where appropriate, modern/alternative materials may be acceptable, provided that they are of a high quality and complement the colours and tones of the original property. Therefore, on condition that the application complies

with the above standards, the proposed extension would have an acceptable finish. Therefore, by virtue of the extension's design and scale, it is not considered to adversely impact upon the character of the dwelling or the wider street scene of Craig Yr Eos Avenue, and consequently it would comply with Policies MD2 and MD5 of the LDP as well as Part 8.5.1 of the Council's Residential and Householder Development SPG (2018).

### **Glamorgan Heritage Coast**

Given that the property lies within the Glamorgan Heritage Coast, the proposed development must comply with Policy MG27 (Glamorgan Heritage Coast) of the adopted LDP (2011-2026), which states that "New development will be restricted to...."

#### *Criterion 3 "Development within settlement boundaries"*

The property lies within the Ogmere by Sea Settlement Boundary. Furthermore, considering that the extension would not appear over scaled or disproportionate in relation to the original property, it is in turn not considered harmful towards the amenity of the coastline. Consequently, the proposal complies with Policy MG27.

### **Impact on Neighbours**

When considering a proposals impact on neighbours, the following criterion taken from Policy MD2 of the adopted LDP (2011-2026) should be complied with. Development should:

#### *Criterion 8 "Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance"*

The impact upon the amenity of each of the adjoining neighbours has been assessed separately as follows:

#### **19, Craig Yr Eos Avenue**

The current garage at 20, Craig Yr Eos Avenue is set approximately 1.4m from the boundary with number 19. While the garage would run parallel with the boundary for an additional 3.2m further (towards Ger Y Mor), this separation distance would be retained. It is also noted that while the garage has an eaves height of approximately 2.9m, it is set on lower ground than number 19. Moreover, while the gable roof would result in an overall increase in height of 1m (taking the total ridge height to 6.3m as opposed to the current 5.3m), the roof would still slope away from the boundary with this neighbour. While the increase in height would alter the outlook from the front of number 19, there would remain a relatively substantial distance between the development and these neighbouring windows. This distance, coupled with the height of the proposal and the orientation of its roof, would ensure that the development would not appear as unduly overbearing on this neighbour and would not be demonstrably harmful to living conditions in this neighbouring dwelling. The relationship between the two would also be such that there would not be significant impacts in terms of natural daylight or overshadowing.

With regard to the impact on the privacy of this neighbour, the application proposes to install two sky light windows into the garage roof, facing the front of number 19. Part 9.2 of the Council's Residential and Householder Development SPG (2018) sets out the minimum distances that should be retained between opposing habitable windows of

dwellings. While the windows would be on slightly different levels, the shortest distance between the sky light closest to the rear of the garage and the first floor window serving the third bedroom at number 19 would be approximately 14.8m with inside angles of around 75°. Similarly the inside angles between the proposed sky light towards the front of the garage and the window serving the master bedroom at number 19 would be around 70° with a shortest line of approximately 13.4m. Considering these viewing angles, the shortest lines between the windows are both less than the required 15m as set out by the aforementioned SPG. Consequently, both of the proposed sky light windows should be non-openable and obscurely glazed to protect the privacy of this neighbour. Aside from this, it is considered that the proposed front gable window would offer views predominantly of the street and not of the front elevation of this neighbour such that mitigation is not considered necessary.

### 18, Craig Yr Eos Avenue

The shortest line between the garage at number 20 and the front elevation of 18, Craig Yr Eos Avenue would remain at approximately 14.6m. Additionally, this neighbour is on higher ground than the application property such that (also having regard to the distance) the proposed garage extension would not result in an unacceptable loss of light from the front of this neighbour. Similarly to the relationship with number 19, the development would alter the wider outlook/aspect from this property, however, the distances involved and the height of the proposal are such that this change in outlook would not be significant and would not amount to something overbearing or unneighbourly.

With regard to the impact on the privacy of this neighbour, it is noted that the proposed first floor gable end window at the front of the garage would principally overlook the street but to a degree, the front of number 18. However, the shortest line between this window and the window serving the study at number 18 would be approximately 16m with inside angles of around 47° and 38° and similarly the lounge window would be 21m away with inside angles of approximately 24° and 61°. Furthermore, the gable end window would be approximately 21.2m away from the Juliet Balcony window serving the third bedroom at number 18 with inside angles of around 62° and 25°. By virtue of these approximate viewing angles and the distances between the windows mentioned above, the proposed front gable end window would not need to be obscured and made non-openable as per Figure 15 of the Council's Residential and Householder Development SPG (2018), (given that when considering the viewing angles, the shortest lines between the windows are all above the minimum requirement). Having regard to the nearest sky light window proposed in the north east facing roof pitch of the extension, it would be within around 18m away with inside angles of approximately 39° and 35° of the second bedroom window at number 18 and would be around 23.4m away with inside angles of approximately 27° and 23° of the Juliet Balcony serving the third bedroom of this neighbour. Therefore, while the two skylight windows would require to be non-openable and obscurely glazed to safeguard the privacy of number 19, the impact upon the privacy of this neighbour would be acceptable, given that as above, the shortest lines are longer than what is required by the Council's standards, considering the viewing angles between the windows. Consequently, the impact upon the privacy of this neighbour is considered to be acceptable.

### Ger Y Mor

The gable end of the proposed extended garage would be set between 0.5m and 0.8m away from the boundary with Ger Y Mor as opposed to the existing 5m. However, despite running parallel with the boundary for 8.7m and having a maximum height of 6.3m at the

apex, most of the extension's impact would be to the roof of this bungalow. Moreover, due to the orientation of Ger Y Mor, the impact on the amenity of the rear garden of this neighbour would not be significant, given that the proposed extension at 20, Craig Yr Eos Avenue would be parallel with the side of the bungalow and would not extend beyond its rear elevation. There is however a habitable side window facing the boundary with 20, Craig Yr Eos Avenue. In 2015, when the Waterstones development was assessed under 2015/00016/FUL, the officer noted this window and stated:-

*“Noting that the windows appear to be secondary openings, and that the single storey garages would be set 5 metres from these openings, it is considered that the proposals would not unacceptably impact upon them.”*

While this development would bring the dwelling closer to the boundary and this opening, the existing 5m gap is not critical as it remains the case that the window serves as a secondary opening and is already overshadowed by the existing boundary wall. It is therefore considered that the proposed extension would have no appreciable further impact that would detrimentally effect the enjoyment of that room.

In terms of whether the extension would impede on the privacy of Ger Y Mor, it would not contain any first floor openings that would directly overlook the boundary. Moreover, while the first floor gable window at the rear of the extension would offer some views of the rear garden of this neighbour, they would be angled and would not be overly intrusive considering that it would not directly oppose the boundary. Consequently, the impact upon the privacy of this neighbour is also considered acceptable. By virtue of this and the above, the proposed development is not considered to have an unacceptable impact upon the amenity of Ger Y Mor.

*It is also noted that the plans indicate a ground floor door opening that would face the boundary with this neighbour. Given that this door would be unusable due its distance from the boundary wall, the Agent has confirmed that this door would not be installed.*

### 21, Craig Yr Eos Avenue

Given the distance and relationship between the garage extension and the boundary, it would not unacceptably overbear or overshadow 21, Craig Yr Eos Avenue. Furthermore, while the proposed gable end window at the rear of the extension would offer views towards the boundary with this neighbours, a sufficient separation distance of approximately 33m would exist. Consequently, the existing level of neighbouring amenity would be retained.

### 26, Craig Yr Eos Avenue

Given the distance and relationship between the garage extension and number 26, it would not unacceptably overbear, overshadow, or impede on the privacy of this neighbour. Consequently, the existing level of neighbouring amenity would be retained.

## **Other Issues**

### Loss of View & Outlook

Having received several neighbour objections that the proposed garage extension would result in a loss of a sea view, this cannot be considered a planning matter and cannot be

given weight in reaching a decision on the acceptability of this proposal.

### House Values

Numerous objections have been received expressing concern that as a result of blocking sea views, the proposal may have a detrimental impact on local property prices. However, this is not a material planning consideration and cannot be given weight in reaching a decision on the acceptability of this proposal.

### Proposed Use

A comment has been received, expressing concern regarding the proposed use of the attic space. Given that the application proposes an extension to the garage and the conversion of its attic, there is no evidence to suggest that the proposed use would fall outside of class C3 (residential dwelling). Therefore, there is no issue of 'change of use' to consider. Any subsequent alternative use (if it occurred) would potentially be liable to enforcement action.

### Site Location Plan

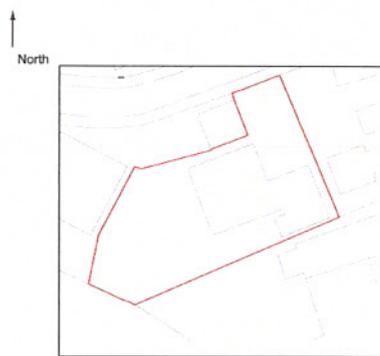
It is noted that the initial site location plan submitted in respect of this proposal contained inaccuracies related to the curtilage edged red and the footprint of the neighbouring bungalow, Ger Y Mor. Following correspondence with the Agent, these were corrected and an updated plan was re-submitted.

In response to a neighbour who stated that *"The updated site-plan remains inaccurate and suggests that there is open space between the boundary and the bungalow, which is not the case"*, the amended site location plan shows the same footprint as that reflected by the Council's records as well as online aerial photography, as illustrated below. Therefore, the amended plan was accepted as valid.

### **Online Aerial Photograph**



## Proposed Site Location Plan



Proposed Site Plan 1:500



Red Line Location Plan 1:1250

### Amenity Space

The proposed extension would increase the footprint of the garage by approximately 28m<sup>2</sup>. However, a sufficient amount of outdoor space would remain associated with the property to serve its inhabitants. On this basis, the proposed development is deemed acceptable.

### Parking Provision

The application proposes to extend the garage to the rear and convert its attic and does not propose to convert the existing garage itself. Notwithstanding this, at least two spaces would remain on the driveway of the property. Therefore, considering that the existing level of parking provision would remain and is considered sufficient to serve its inhabitants, the proposed development is considered acceptable in respect of parking.

### Ombudsman Letter of Complaint

The following points are noted in respect of the letter submitted to the Ombudsman by a neighbouring resident:

- a) *"The revised plans were a significant material change in terms of site area, volume and overall impact compared to the initial planning application under reference 2019/01295/FUL and were re-submitted under the original application as a simple amendment."*
- In response to the first point raised by the complainant, it is very common for applications to be re-registered (with the same application number) if amendments are received. The neighbouring properties were re-consulted and it is considered that all interested parties have been given the appropriate opportunity to comment on the amended plans.
- b) *"The original site plan was inaccurate and misleading on two counts"*
  1. *"The drawn boundary included a neighbour's property (garage & parking area for no.21) and exaggerated the applicant's plot size by 20%."*

2. *“The position of the adjacent bungalow (Ger Y Mor) was drawn out of position; thereby implying a substantial distance between it and the boundary between the properties.”*
- The site location plan was found to contain several inaccuracies. However, following correspondence with the Agent, these were corrected and an amended plan was submitted to the council on 19<sup>th</sup> February 2020.
- c) *“The consultation period for objections and comments should have been 21 days from posting the site notice on 11th Feb 2020.” However, the website continued to accept comments after the 21 day consultation period had ended.*
- Irrespective of whether the Council’s website allows the public to comment on planning applications after the expiry of the statutory consultation period, the Local Planning Authority will typically consider representations received outside the 21 day period, as was the case for this application. This does not prejudice any party.
- d) *“The householders at ‘17 Craig Yr Eos Avenue’ are significantly impacted by the amended application yet did not receive any notification.”*
- The Local Planning Authority is required to consult adjoining neighbours that would be impacted by a proposed development. Number 17 does not adjoin number 20 and nor is it significantly impacted by the proposed development. Therefore, 17, Craig Yr Eos Avenue was not consulted directly on this application. Notwithstanding this a site notice was also erected and comments received from number 17 demonstrates that the occupiers were aware of the application.
- e) *“There is an overriding feeling amongst neighbours that, for whatever reason, there appears to be undue leniency towards this application.”*
- The Local Planning Authority has followed the correct procedures throughout the course of this application and positive recommendation in no way infers leniency towards the applicant.

## RECOMMENDATION

Approve subject to the following conditions:

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

Reason:

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

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

Amended Location plan. Received: 19/02/2020.

Amended Proposed Floor Plans. Received: 23/01/2020.

Amended Proposed Elevations. Received: 23/01/2020.

Reason:

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

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

Reason:

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

4. The two rooflights in the east facing roof plane (facing towards number 19 Craif Yr Eos Avenue) shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscurity and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

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

## REASON FOR RECOMMENDATION

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

Having regard to Policy SP1 – Delivering the strategy, Policy SP10 – Built and Natural Environment, Policy MG27 – Glamorgan Heritage Coast, Policy MD2 - Design of New Development, and Policy MD5 - Development Within Settlement Boundaries, of the Vale of Glamorgan Adopted Local Development Plan 2011- 2026, and the advice contained within the Council's Supplementary Planning Guidance on Residential and Householder Development (2018), Parking Standards (2019), Chapter 3 – Strategic and Spatial Choices, of Planning Policy Wales 10th Edition (2018), Technical Advice Note 12- Design (2016), the development is considered acceptable in terms of its scale, design, impact on the existing dwellinghouse, the visual amenity of the street scene, amenity space and parking provision.

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

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

**NOTE:**

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

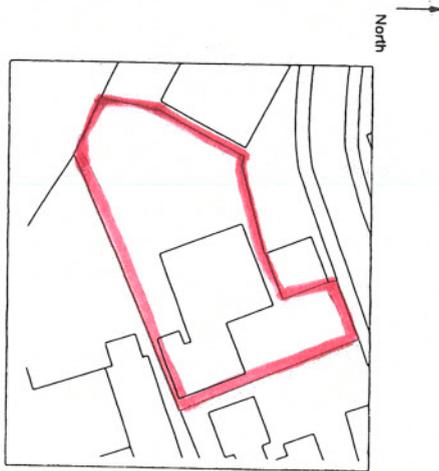
**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

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

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

# 1901295 FUL

All Plans drawn at scale of 1:100  
 Print off on A2 Sheet for accuracy



A-2

SHEET:

1:100

SCALE:

July 2019

DATE:



PROJECT DESCRIPTION:

Attic and Garage Extension

SHEET TITLE:

Proposed Plans

NO.	NOTES	BY	DATE
1	As per the published plan		
2	As per the published plan		
3	As per the published plan		
4	As per the published plan		

