

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 1 **SEPTEMBER, 2021**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

(a) Building Regulation Applications - Pass

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

2013/0211/BN	A	99a, Main Street, Barry	New dwelling
2021/0021/PO	AC	41, Cliftonwood Crescent, Bristol, BS8 4TU	Demolish existing conservatory and build new extension, new roof lights to second floor roof, redesign garden layout and improved insulation and layout on garden house for office, lobby and storage.
2021/0022/PO	AC	21, Gabalfa Avenue, Cardiff. CF14 2SG	Hip to gable, dormer loft conversion
2021/0023/PO	AC	1, Pentre Gardens, Grangetown, Cardiff. CF11 6QJ	Single storey side extension
2021/0024/PO	AC	Bridge Road, Old St. Mellons, Cardiff, CF3 6UY	Construction of 2 x 5-bedroom houses with integral double garage and associated amenity space
2021/0026/PO	AC	36, Kelston Road, Cardiff, CF14 2AJ	Rear and side elevation single storey extensions
2021/0027/PO	AC	66, Virgil Street, Grangetown, Cardiff. CF11 8TF	Proposed single storey rear extension with internal alterations
2021/0028/PO	AC	60, Pen Y Mynydd, Bettws, Bridgend. CF32 8SB	Two storey side extension to form grannie annex
2021/0029/PO	AC	28, St Georges Road, Birchgrove, Cardiff, CF14 4AQ	Single storey rear lean too extension

2021/0030/PO	AC	31, St. Cadoc Road, Heath, Cardiff. CF14 4ND	Loft conversion with hip to gable and rear dormer
2021/0032/PO	AC	Land at 11, Worcester Close, Heogerrig, Merthyr Tydfil, CF48 1SP	New build 3 bed, 2 storey property in former garden
2021/0188/BN	A	Mole End, Pen-y-turnpike Road, Dinas Powys, CF64 4HG	Internal refurb plus loft conversion (dormers)
2021/0422/BN	A	34, Sea Point, Crosshill, Barry, CF62 6TB	Knock through
2021/0454/BR	AC	24, Torbay Terrace, Rhoose. CF62 3HB	Single storey rear extension to enlarge kitchen
2021/0455/BN	A	3, Maes Illtud, Llantwit Major. CF61 2SD	Porch
2021/0486/BN	A	13, Fennel Close, Cogan, Penarth, CF64 2QF	Double storey dropping to single storey side extension
2021/0496/BN	A	37, Ffordd Cwm Cidi, Barry, CF62 6LJ	Upgrade of conservatory roof
2021/0499/BR	AC	7, St. Lythans Road, Barry. CF62 7NG	Demolish lean to outhouse, construct new single storey kitchen extension and small attached garage
2021/0500/BN	A	71, Jenner Road, Barry. CF62 7HQ	Single storey rear extension
2021/0501/BR	AC	21, Bron Awelon, Barry. CF62 6PR	Single storey rear extension
2021/0502/BN	A	8, Walston Close, Wenvoe. CF5 6AS	Two rooms into one
2021/0503/BN	A	3, Tyla Rhosyr, Cowbridge. CF71 7AU	Removal of 2 load bearing walls and porch
2021/0505/BN	A	23, Maes Y Gwenyn, Rhoose. CF62 3LA	Rear single storey flat roof kitchen extension
2021/0506/BN	A	15, Robinswood Crescent, Penarth. CF64 3JE	Removal of internal supporting wall and external wall opening for bi fold doors

2021/0507/BN	A	31, Hywel Crescent, Barry. CF63 1DL	Upgrading floor, internal wall to receive DPC injection, new ground floor door lining and doors including ironmongery full decoration
2021/0508/BN	A	1, Porth Y Castell, Barry. CF62 6QA	1 no. window installation of lantern to roof of existing single storey extension
2021/0509/BN	A	5, Baron Road, Penarth. CF64 3UD	Single storey rear extension for utility and toilet
2021/0510/BR	AC	28, Westgate, Cowbridge. CF71 7AR	Bathroom extension, internal alterations and new dormer
2021/0511/BN	A	40, Cornerswell Road, Penarth. CF64 2WA	Renovation of kitchen dinner with removal of chimney and minor structural alterations
2021/0512/BN	A	Glebe Farm, Porthkerry. CF62 3BZ	Replace old slate roof with similar and construction of two new window openings
2021/0514/BN	A	114, Wordsworth Avenue, Penarth. CF64 2RQ	Knock through existing kitchen to create new
2021/0515/BN	A	Can Yr Onnen, Llandough, Cowbridge. CF71 7LR	Single storey extension to rear elevation
2021/0516/BN	A	3, Dunster Drive, Sully. CF64 5TN	Single storey rear extension on same footprint as conservatory
2021/0517/BN	A	6, Cae'r Odyn, Dinas Powys. CF64 4UF	Removal of load bearing wall
2021/0518/BN	A	Redlands House, Penarth. CF64 2QT	Installation of first floor cross communal fire door set with automation fitted
2021/0519/BN	A	The Paddock, Clawdd Coch, Pendoylan. CF71 7UP	Proposed single storey extension to provide kitchen and dining area
2021/0520/BN	A	53, The Verlands, Cowbridge, CF71 7BY	Double storey extension

2021/0522/BR	AC	22, Caer Ffynnon, Barry, CF62 6NS	Single storey house extension/garage conversion.
2021/0523/BN	A	Forest Fach Farm, Cowbridge Road, Talygarn, Pontyclun, CF72 9JU	Two storey extension
2021/0524/BN	A	9, Lettons Way, Dinas Powys, CF64 4BY	Garage conversion
2021/0526/BN	A	21, Rutland Close, Barry, CF62 8AR	Lift installation
2021/0527/BN	A	Factory House, Factory Road, Llanblethian, Cowbridge, CF71 7JD	Fit-out of existing residential annex to create 1 bedroom residence
2021/0528/BN	A	Glan Y Mor Cottage, Southerndown. CF32 0RN	Replacing extension
2021/0530/BN	A	The Coach House, Cowbridge Road, St. Nicholas. CF5 6SH	Convert annexe to holiday accommodation for family use
2021/0531/BR	AC	Gwynfa, David Street, Wick. CF71 7QF	Single storey rear extension and extend above garage
2021/0532/BR	AC	The Meadows, St Hilary, Cowbridge, CF71 7DP	Single storey side and rear extensions
2021/0533/BN	A	7, Pant Y Celyn, St. Athan. CF62 4PS	Single storey extension
2021/0534/BN	A	2, South View, Boverton, Llantwit Major. CF61 2AW	Garage conversion to study / tv room, to front add window and brick to bottom half, doorway into hall from garage
2021/0535/BR	AC	47, Althorp Drive, Cosmeston, Penarth. CF64 5FJ	Two storey rear extension and single storey front extension
2021/0536/BN	A	135, St. Davids Crescent, Penarth. CF64 3NB	Enlarge opening / internal wall removal
2021/0537/BR	AC	137, Stanwell Road, Penarth. CF64 3LL	Single storey side extension and double loft dormer extension

2021/0538/BN	A	Vishwell Farmhouse, St. Andrews Road, Wenvoe. CF5 6AF	Remove and replace waste treatment plant
2021/0539/BN	A	54, Nant Talwg Way, Barry. CF62 6LZ	Single storey rear extension, garage conversion plus associated works
2021/0540/BR	AC	2, Gibbonsdown Rise, Barry. CF63 1DT	To extend to rear of dwelling new granny flat accommodation
2021/0541/BN	A	19, Plas Taliesin, Penarth. CF64 1YN	Changing balustrades, alterations of ground floor layout and creating an opening on first floor level to balcony, including removal of 2 windows, load bearing wall and sliding doors to be installed
2021/0542/BN	A	25, Smeaton Close, Rhoose. CF62 3FU	Bungalow renovation internally with a loft being added into the roof void. The rear conservatory walls will be built up to 2.4m from dwarf walls and a new dormer roof will be constructed to come over this conservatory area
2021/0543/BR	AC	St. Richard Gwyn RC High School, Argae Lane, Barry. CF63 1BL	The installation of 2 new single storey de mountable units comprising of; 15 no. WC toilet block with wash facilities (12m x 6m) and 2 no. office / class break-out rooms, inclusive of lobby and storerooms (9.6m x 3m)
2021/0544/BN	A	2, Breach Cottages, Bonvilston. CF5 6TU	Proposed loft conversion with dormer
2021/0546/BN	A	Flat, 1, 29, Park Road, Barry, CF62 6NX	Alterations to existing flat to have one extra bathroom
2021/0547/BN	A	Rhos Colwyn, Heol Y Mynydd, Welsh St. Donats, CF71 7SS	Building above an existing flat roof to create a master bedroom and en-suite

2021/0548/BN	A	10, Green Meadow Close, St Athan, CF62 4NT	Proposed conversion of existing garage to 'Granny annexe'
2021/0549/BN	A	Ridgeway, 42, Llanmaes Road, Llantwit Major, CF61 2XF	Flat to pitched roof
2021/0550/BR	AC	Vale Farm, Flemingston, CF71 7LT (West of Trefynnon Farm)	Proposed rural enterprise workers dwelling
2021/0551/BN	A	Cherry Orchard Farm, Watery Lane, Welsh St Donats, Cowbridge, CF71 7SS	Proposed upgrading of existing building to form 3 bedroom dwelling
2021/0552/BN	A	58, Tynewydd Road, Barry, CF62 8BA	Single storey extension
2021/0553/BN	A	15, The Heathers, Barry, CF62 7FL	Knock through from lounge to converted garage
2021/0554/BN	A	22, Millbrook Road, Dinas Powys, CF64 4DA	Replacement of existing steel beam above bi-fold doors
2021/0555/BN	A	15, Charteris Close, Penarth, CF64 5RT	Pull garage forward, integrate current kitchen into back of original garage with new roof.
2021/0556/BR	AC	Pop Up Shop, Poundfield, Llantwit Major. CF61 1XZ	Proposed retail unit
2021/0557/BN	A	50, Trebeferad, Boverton, Llantwit Major, CF61 1UX	EWI and Chimney Repair
2021/0558/BN	A	6, Rectory Close, Wenvoe, CF5 6AQ	EWI and Chimney Removal
2021/0559/BN	A	2, Boverton Road, Boverton, Llantwit Major, CF61 1TX	EWI
2021/0560/BN	A	39, Eagleswell Road, Boverton, Llantwit Major, CF61 2UG	EWI
2021/0561/BN	A	15, Nicholl Court, Boverton, Llantwit Major, CF61 2LR	EWI and Chimney Removal

2021/0562/BN	A	91, Clive Road, Barry, CF62 5UZ	EWI
2021/0563/BN	A	5-7, Ruthen Terrace, Barry, CF62 7JD	EWI - Smooth
2021/0564/BN	A	42, Cornerswell Road, Penarth, CF64 2WA	Internal alterations to include removal of chimney stack
2021/0565/BN	A	20, Coronation Terrace, Penarth, CF64 1HN	Install steel beam where supporting wall was
2021/0568/BR	AC	Penbury, Heol Y Mynydd, Welsh St. Donats, CF71 7SS	Internal alterations, part garage conversion and single storey ground floor infill extension with lean-to roof.
2021/0569/BR	AC	14, Druids Green, Cowbridge, CF71 7BP	Internal alteration and installations of fittings
2021/0570/BN	A	3, Duffryn Crescent, Peterston Super Ely, CF5 6NF	Single storey replacement garden room
2021/0571/BR	A	23, Cwrt-y-vil Road, Penarth, CF64 3HP	Demolish existing lean too roof and build new flat roof and external cladding to rear of existing extension
2021/0572/BR	AC	Llys Y Don, 6, Windmill Lane, Llanblethian, Cowbridge, CF71 7HX	Detached house refurbishment including extensions
2021/0573/BN	A	Thornfield, Llanquian Road, Aberthin. CF71 7HE	Extension and alterations to existing front and rear dormer projections
2021/0574/BR	AC	68, Victoria Road, Penarth, CF64 3HZ	Single storey side extension
2021/0575/BR	A	50, Uplands Crescent, Llandough, Penarth, CF64 2PS	Demolition of existing rear lean-to conservatory structure and side garage. Proposed front, rear, side wrap-around, single storey
2021/0576/BN	A	12, Coigne Terrace, Barry, CF63 3NU	Loft conversion and dormer
2021/0577/BN	A	19, Rhodfar Morwydd, Penarth, CF64 2UD	Loft conversion with dormer

2021/0578/BN	A	63, Queen Street, Barry. CF62 7EG	Knock through
2021/0579/BR	AC	8, Tair Onen, St Hilary, Cowbridge, CF71 7UA	Demolition of and replacement of existing extension, internal wall removal and reconfiguration on ground floor and 1st floor addition of en-suite to existing bedroom
2021/0580/BN	A	6A, Pontypridd Road, Barry. CF62 7LR	New roof to main house, flat to pitched roof to rear of property and knock through with new WC. (Ash to check if porch exempt on site please)
2021/0582/BR	AC	Llanfair Primary School, St. Mary Church. CF71 7LT	Single storey composite clad modular building comprising of classroom, office DOA / staff WC, children WC and kitchen
2021/0583/BR	AC	10, Evenlode Avenue, Penarth. CF64 3PD	Modernisation of existing dormer bungalow, including central 2 storey front gable with porch, roof extension above garage to side and 2 storey rear extension
2021/0584/BN	A	46, Cilgant Y Meillion, Rhoose. CF62 3LH	Proposed ground floor rear extension, garage conversion and Internal structural alterations
2021/0585/BR	AC	440, Gladstone Road, Barry. CF63 1QG	Single storey side extension to build a commercial office with separate entrance for employees
2021/0586/BN	A	7, Pant Y Celyn, St. Athan. CF62 4PS	Rebuild outer skin front elevation plus internal knock through
2021/0587/BN	A	9, Maes Y Coed, Barry. CF62 6SZ	Loft Conversion with Dormer
2021/0588/BR	AC	9, Glebeland Place, St. Athan. CF62 4PQ	Two storey side and rear extension

2021/0589/BN	A	Shorkot Farmhouse, Woodland Lane, Leckwith, Cardiff, CF11 8AS	Garage conversion to granny annexe
2021/0590/BN	A	12, Heol Tre Forys, Penarth. Cf64 3RE	Knock through and change of lintel
2021/0591/BN	A	Moselkern, St. Andrews Road, Wenvoe. CF5 6AF	Two storey gable extension
2021/0592/BN	A	48, Westbourne Road, Penarth. CF64 3HF	Underpinning, refurbishment of top floor with new insulation in ceiling, repointing chimney stack, maintenance and capping, renewing damp proofing to walls and external rendering
2021/0593/BN	A	291, Gladstone Road, Barry. CF63 1NJ	Proposed single storey rear extensions with hip to gable roof extension and alterations to fenestration design. Internal alterations to suit new layout, all with associated external works and new windows
2021/0594/BN	A	103, Cornerswell Road, Penarth. CF64 2UY	Single storey extension to rear of property to enlarge kitchen - replacing old conservatory
2021/0595/BN	A	5, Longmeadow Drive, Dinas Powys. CF64 4TA	2 Storey Extension
2021/0596/BN	A	20, Caradoc Avenue, Barry. CF63 1DR	To form an aperture through the first floor ready to install a through floor lift for a disabled person
2021/0597/BN	A	Caia Barn, St. Nicholas. CF5 6SG	Sun room
2021/0598/BN	A	24, Bryneithin, St. Andrews Road, Dinas Powys. CF64 4BL	Garden store single storey in courtyard garden with utility area
2021/0599/BN	A	15, Romilly Park Road, Barry. CF62 6RP	Two rooms into one

2021/0600/BN	A	9, Llanover Street, Barry. CF63 2HD	Single storey extension to enlarge kitchen and shower room and toilet
2021/0601/BN	A W	8, Wheate Close, Rhoose, CF62 3HH	Single Storey Extension
2021/0602/BR	AC	132, Fontygary Road, Rhoose, CF62 3DU	New roof and internal alterations
2021/0603/BR	AC	10, Drake Close, St Athan, CF62 4JF	Single storey rear extension
2021/0605/BN	A	Greenhills, Degar Hill, Llanharry, CF72 9JX	Extension to existing first floor accommodation to existing dormer bungalow
2021/0607/BN	A	15, Hastings Avenue, Penarth, CF64 2TF	Re-roof to main house
2021/0608/BN	A W	6, St Lythans Road, Barry, CF62 7NG	Single storey rear extension and loft conversion
2021/0609/BN	A	16, Colcot Road, Barry, CF62 8HN	Knock through and two storey side extension 60sqm
2021/0611/BN	A	10, Is y Coed, Wenvoe, CF5 6DL	Demolish existing conservatory and replace with single storey extension
2021/0612/BR	AC	2, Cae Gwyn, Penarth. CF64 3JY	To extend to rear of dwelling new kitchen / breakfast and form new veranda
2021/0613/BR	AC	19, Oxford Street, Barry. CF62 6PA	To demolish existing rear lean too and construct new utility room / toilet extension
2021/0614/BN	A	134, Redlands Road, Penarth, CF64 2WN	Single storey extension
2021/0615/BR	AC	48, Dunraven Close, Cowbridge, CF71 7FG	Loft conversion and internal alterations
2021/0616/BN	A	Franklin Court, Llanmaes, CF61 2XR	Garage conversion

2021/0617/BR	A	2, John Street, Barry, CF63 2RA	Widening of structural partition between bathroom and first floor landing
2021/0618/BN	A	3, Pembroke Close, Dinas Powys, CF64 4PA	Re-roof
2021/0619/BR	AC	62, Broadway, Llanblethian, Cowbridge, CF71 7EW	Two storey extension to rear and extension to loft conversion
2021/0620/BR	AC	Larch Croft, Pen-y-Lan Road, Aberthin, CF71 7HB	Single storey side extension with a mezzanine
2021/0621/BR	AC	7, Charteris Close, Penarth. CF64 5RT	Rear single storey extension to replace existing conservatory
2021/0622/BN	A	Matiana, Main Road, Ogmore By Sea, CF32 0PD	Install steel beam to replace load bearing wall between kitchen and utility.
2021/0623/BN	A	10, Pembroke Close, Dinas Powys, CF64 4PA	Replace roof
2021/0624/BN	A	2, College Road, Barry. CF62 8BE	Knock through from kitchen to dining room
2021/0626/BN	A	185, Cardiff Road, Dinas Powys. CF64 4JW	Re-roof
2021/0630/BN	A	220, Barry Road, Barry. CF62 9BH	Internal load bearing wall to be removed
2021/0631/BR	AC	10, Aneurin Road, Barry. CF63 4PP	Conversion of shower room into separate shower room and WC
2021/0632/BR	AC	11, Purcell Road, Penarth, CF64 3QL	Two storey extension to the rear and side of the existing property
2021/0633/BR	AC	85, Cardiff Road, Dinas Powys. CF64 4JT	Two storey side extension and single storey rear extension
2021/0636/BN	A	Tamar, Treoes, CF35 5DH	Supalite roof
2021/0641/BR	AC	94, Pontypridd Road, Barry, CF62 7LT	Extension to rear of property to allow for a larger bedroom and larger shower room

(b) Building Regulation Applications - Reject

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

2021/0498/BN	R	15, Oyster Bend, Sully. CF64 5LW	Disabled extension wet room, alterations to internal doors and garage conversion for full time carer
2021/0504/BN	R	38, Plymouth Road, Penarth. CF64 3DH	Installation of through floor lift in private dwelling
2021/0513/BN	R	20, Cwlwm Cariad, Barry, CF63 1EG	Removal of internal and external load bearing walls
2021/0521/BN	R	The Stables, Squire Street, Llysworney, CF71 7NQ	Conversion of garage to studio/office and garden store
2021/0525/BN	R	12, Whitcliffe Drive, Penarth. CF64 5RY	Single and double storey extensions and internal structural alterations
2021/0529/BN	R	91, Port Road East, Barry. CF62 9PX	2 storey and a single storey side extension
2021/0545/BN	R	Plot of Land adjacent to Glebe Farm, St Hilary, CF71 7DP	New dwelling and associated stables and barn for agricultural use
2021/0566/BN	R	9, Whitcliffe Drive, Penarth. CF64 5RY	Single storey rear extension, two storey side extension with loft conversion across complete front of house
2021/0567/BN	R	12, Nant Canna, Treoes, CF35 5DE	Single extension 17 foot by 9 foot and take down 2 walls in the inside of the house
2021/0581/BN	R	7, Westward Rise, Barry. CF62 6PL	Single storey extension
2021/0604/BN	R	11, Llandaff Close, Penarth, CF64 3JH	Single storey rear extension
2021/0606/BN	R	344, Barry Road, Barry. CF62 8HH	Double storey rear extension
2021/0610/BN	R	21, Andover Close, Barry, CF62 8AG	Single storey wrap around extension 50sqm

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

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

2021/0120/AI	A	Holmview, Pen-Y-Turnpike Road, Dinas Powys. CF64 4HG	Proposed garage re-build & re-model (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0121/AI	A	Stepping Stones, Llancafán. CF62 3AD	Conversion of roof space to habitable rooms and internal alterations to ground floor
2021/0122/AI	A	21, Fonmon Road, Rhoose. CF62 3DZ	Proposed ground floor rear and front porch extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0123/AI	A	36, Park Crescent, Barry. CF62 6HE	Single storey extension
2021/0124/AI	A	Fontygary Holiday and Leisure Park, Rhoose, Barry, CF62 3ZT	Phase 1 - Strip out existing gym and spa, remove existing non loadbearing walls and locate a children's play area and associated areas plus a new coffee shop and seating area. Phase 2 - Relocate existing toilets, open up structure to include function room and bar to form one large bar area. Increase size of existing kitchen
2021/0125/AI	A	26, Gadlys Road West, Barry, CF62 7HX	Proposed single storey extension to rear, two storey side extension and extension to existing porch to front (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

2021/0126/AI	A	41, Broadway, Cowbridge, CF71 7EX	Structural alterations to remove part of a load bearing wall and install steel beams
2021/0127/AI	A	1, Seys Close, Cowbridge, CF71 7BW	Two storey extension to dormer bungalow
2021/0128/AI	A	38, Porthkerry Road, Rhoose, CF62 3HD	Rear extension and associated work
2021/0129/AI	A	81, High Street, Cowbridge, CF71 7AF	Conversion of a shop to a dental practice and associated work
2021/0130/AI	A	The Gables, Southerndown, CF32 0RW	Proposed new detached dwelling
2021/0131/AI	A	8, Spires Walk, Barry, CF63 1FJ	Proposed conservatory roof replacement with a warm roof (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0132/AI	A	Flat 8, 31, Plymouth Road, Penarth. CF64 3DA	Proposed insulation of existing roof, soundproofing of floors, replacement of 2 fire doors, installation of 2 Velux roof windows, fitting of new kitchen and bathroom and complete rewire (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0133/AI	A	52, Glebe Street, Penarth. CF64 1EG	Proposed conversion of coach house / workshop to dwelling (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0134/AI	A	Kaspa's Desserts, 1A, Paget Road, Barry. CF62 5TQ	Fit out of existing unit to form dessert parlour
2021/0135/AI	A	19, Westbourne Road, Penarth. CF64 3HA	Proposed garden office to rear of existing property (works to incorporate

			material alterations to structure, controlled services, fitting and thermal elements)
2021/0136/AI	R	134, Redlands Road, Penarth. CF64 2WN	Proposed single storey extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0137/AI	A	1, West Acre, Llanmaes, Llantwit Major. CF61 2XQ	Proposed two storey side extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0138/AI	A	25, Station Road, Penarth. CF64 3EP	Proposed single storey extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0139/AI	A	Ground Floor Level Unit 20 - 22, Llandough Trading Estate, Penarth Road, Penarth. CF11 8RR	Expansion to adjoin neighbouring industrial with a fit out of both units
2021/0140/AI	A	Copperfield, Llancarfan. CF62 3AG	Loft conversion, internal alterations and side extension
2021/0141/AI	A	Oaklands, Broad Close Lane, Moulton, CF62 3AB	Two-storey rear extension, garage conversion to provide habitable accommodation, first floor extension over garage, internal alterations / refurbishment and new detached garage / outbuilding
2021/0142/AI	A	31, Bramble Avenue, Barry, CF62 7JN	Single-storey rear extension
2021/0143/AI	A	8, Badgers Brook Drive, Ystradowen, Cowbridge, CF71 7TX	Replacement of an existing conservatory roof
2021/0144/AI	A	Ty-R-Waun, Cross Common Road, Dinas	Proposed full renovation, two storey extension and

		Powys. CF64 4TP	external wall cladding (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0145/AI	A	3, Tennyson Way, Llantwit Major, CF61 1WY	Single storey extension
2021/0146/AI	A	11, St. Augustines Road, Penarth. CF64 1BH	Loft conversion, basement renovation and associated work
2021/0147/AI	A	34, Ivy Street, Penarth, CF64 2TY	Proposed single storey extension to the side and rear
2021/0148/AI	A	12, Badgers Brook Rise, Ystradowen, CF71 7TW	Proposed single storey rear extension and garage conversion

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PLANNING COMMITTEE : 1 SEPTEMBER, 2021

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

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

Decision Codes

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

2015/01132/1/N MA	A	The Beachcomber, Lakeside, Barry	Non Material Amendment - See covering letter. Planning approval 2015/01132/FUL - Proposed demolition and redevelopment of The Beachcomber, Barry for seven residential flats and associated ancillary works
2017/00841/3/N MA	A	Land at North West Cowbridge	Non Material Amendment to Condition 2 to allow alternative roof tile type to be used on specified plots. Planning approval 2017/00841/RES - Phase 1 of the development consisting of 169 dwellings with associated access,

			roads and footpaths, landscaping, public open space and other ancillary works
2017/01197/3/C D	A	Land to the East of Holm View Leisure Centre, Barry	Discharge of Condition 17 (Biodiversity Strategy) - Previous approval 2017/00260/REG3 - Proposed residential development comprising 11 affordable dwellings along with associated parking, highway and ancillary works, including a new vehicular access/egress for Holm View Leisure Centre
2017/01203/5/C D	A	Cog Moors Sewage Treatment Works, Barry Road, Dinas Powys	Discharge of Condition 6 - Longterm management of doormice. Previous permission 2017/01203/FUL - Change of use of land as an extension to the existing wastewater treatment works site and to the compensatory dormouse habitat and for the construction of an Advanced Anaerobic Digestion (AAD) Plant, together with associated landscaping and mitigation measures and the formation of temporary construction compounds at Cog Moors Wastewater Treatment Works, Cardiff Road, Dinas Powys
2018/01317/1/N MA	A	Spider Camp, Hayes Lane, Sully	Variation to planning permission 2018/01317/FUL: to amend the layout of Building 4, from 7 units to one complete building for single occupancy, including associated amendments to

			the external elevations and addition of a first floor mezzanine for ancillary offices, reduce building 5 from 7 bays to 6.
2019/00405/1/C D	A	Longlands Quarry, Corntown Road, Corntown, Bridgend	Discharge Conditions 6, 18, 21, 26, 28, 29 ,33, 47, 48, 49, 51, 52, 53 of Planning Permission 2019/00405/FUL - Retention of existing Limestone Quarry and associated plant, ancillary development and infrastructure; proposed relinquishment of consented mineral reserves below lowest current quarry floor level in favour of proposed eastern lateral extension to existing quarry; with progressive restoration of site with inert material to restore site to low level agriculture
2019/00405/2/C D	A	Longlands Quarry, Corntown	Discharge of Condition 45 (Imported topsoil) and Condition 46 (Imported aggregates). Planning approval 2019/00405/FUL - Retention of existing Limestone Quarry and associated plant, ancillary development and infrastructure; proposed relinquishment of consented mineral reserves below lowest current quarry floor level in favour of proposed eastern lateral extension to existing quarry; with progressive restoration of site with inert material to restore site to low level agriculture

2019/01041/3/C D	A	Pencoedtre High School, Merthyr Dyfan Road, Barry	Discharge of Condition 15 (External Lighting). Planning approval 2019/01041/RG3 - Construction of a replacement secondary school building at the site of the existing Pencoedtre High School, sports facilities, and associated works (including landscaping, access and engineering works) along with the demolition of the existing secondary school building at Pencoedtre High School, Merthyr Dyfan Road, Barry
2019/01320/1/N MA	A	8, Gileston Road, St. Athan	Non Material Amendment - To change hip roof to gable end. Planning approval 2019/01320/FUL - A single storey extension to side of existing dwelling to provide additional living room, bedroom and bathroom, along with removal of existing conservatory
2020/00136/FUL	A	Siteserv Recycling, Triple Crown House, Llandow Trading Estate, Triple Crown House, Llandow	Variation of Condition 14 (Details of Acoustic Fence) of Planning Application 2017/00329/FUL
2020/00169/FUL	R	Duffryn Mawr Farm, Pont Sarn Lane, Clawddoch	Relocation of Origin Vets Ltd to temporary portacabin accommodation
2020/00200/1/C D	A	Poundfield Farm, Pound Lane, Wenvoe	Discharge of Condition 3 (Landscaping). Planning approval 2020/00200/FUL - Retention and completion of detached building as garage and store
2020/00200/1/N MA	A	Poundfield Farm, Pound Lane, Wenvoe	Non Material Amendment - Change of double timber door to single door. Planning approval

			2020/00200/FUL - Retention and completion of detached building as garage and store
2020/00216/FUL	A	Monks Wood, Wick	Construction of a composting toilet with disabled access, community notice board (in Monks Wood) and a series of way-finding posts and benches:- Amended plans received- cob oven omitted from application, amended siting of benches and composting toilet, additional information received
2020/00273/FUL	A	Ty Draw Farm, St Athan Road, Picketston	Proposed two storey extension and alterations / additions to existing property
2020/00460/1/N MA	A	Tanglewood, Westra, Dinas Powys	Non Material Amendment - Amend wording of condition 2 to allow the modifications to the existing dwelling. Amend wording of condition 3 to a compliance condition. Amend wording of condition 4 to a compliance condition. Planning approval 2020/00460/FUL - Change of use of part of existing paddock to residential use and associated works for new driveway
2020/00702/1/C D	A	3, Harbour View Cottages, Northcliffe Drive, Penarth	Discharge of Condition 7 (Ecological Enhancement Scheme). Planning approval 2020/00702/FUL - Demolition of existing three-bedroom semi- detached house, construction of a new three

			bedroom house with three parking spaces and associated external works
2020/00741/4/C D	A	Land to the North of the railway, Rhoose	Discharge of Condition 10 (Contamination 6). Planning approval 2020/00741/RG3 - Proposed new primary school and associated works
2020/00742/3/C D	A	St. Davids Church Of Wales Primary School, Colwinston	Discharge of Condition 6 (Contamination 2). Planning permission 2020/00742/RG3 - Proposed replacement primary school including associated works
2020/00742/5/C D	A	St. Davids Church Of Wales Primary School, Colwinston	Discharge of Condition 14 (Footway and car park). Planning approval 2020/00742/RG3 - Proposed replacement primary school including associated works
2020/01132/FUL	A	Benacre, Cowbridge Road, St. Nicholas	Raise the roof height of existing roof to create first floor, front gable extension and rear dormer
2020/01211/FUL	A	Llanfrynach Farm, Llanfrynach Lane, Cowbridge	Change of use of part of agricultural land to A1 use, including provision of vending machine housed in timber building
2020/01237/FUL	A	17, Ashgrove, Dinas Powys	Revisions to application previously approved (ref 2018/00413/FUL)- Rear Single storey extension to garage
2020/01376/FUL	A	Cildarn, St. Athan Road, St. Mary Church	Conversion of existing bungalow to two storey dwelling

2020/01383/FUL	A	Plas Celyn House, St. Brides Super Ely	Garden lodge/pavilion with removal of sub-standard barn
2020/01427/1/C D	A	Glebe Farm, Porthkerry	Discharge of Conditions 3 (Conservation Officer notification), 5a)i) (Details/Additional Details), 7 (Fire Surround Retention), 8 (Utility Room Trial) and 11 (GGAT Written Scheme of Investigation). Planning approval 2020/01427/LBC - Proposed internal alterations and refurbishment, renewal of slate roof, replacement of timber windows, installation of two new windows, repair of external render, replacement of bathroom sanitaryware and associated plumbing, installation of new ground floor WC, removal of partitions to ground floor South wing and new kitchen installation with associated plumbing. Renewal of electrical installation and installation of new heating system. at Glebe (Church) Farm, Porthkerry, Nr. Rhoose
2020/01428/FUL	R	Lily Cottage, The Butts, rear of 10, Westgate, Cowbridge	Conversion of existing holiday let into separate dwelling
2020/01454/FUL	A	Greenland Farm, A48, Bonvilston	Erection of polytunnels for pick your own enterprise with ancillary cafe and toilet facilities
2020/01462/1/C D	A	Whips Cottage, Llandough	Discharge Condition 3 of planning Permission 2020/01462/FUL-Two storey side extension; single storey porch and

			laundry room; removing an existing outbuilding and replacing with new outbuilding
2020/01531/FUL	A	Kingfauns, Cowbridge Road, St. Nicholas	Household extension to include a conversion of existing garage to living accommodation with first floor bedroom above and new single garage adjoining
2021/00041/FUL	A	Barry Island Pleasure Park, Friars Road, Barry	To erect and operate a ride, named Speed 32, to replace an existing ride within the Pleasure Park to replace an existing ride
2021/00054/FUL	R	Penllwyn Cottage, Boverton Road, Boverton	New 3 bedroom 2 storey dwelling to the rear of Penllwyn Cottage
2021/00055/FUL	A	Bank Cottage, Flemingston Road, Flemingston	AMENDED PLANS: Attic conversion comprising of increase in roof ridge height and insertion of roof windows to front and back
2021/00076/1/N MA	A	Groeswen, Cowbridge Road, Llantwit Major	Non Material Amendment - Alteration of the proposed internal layout of the annex; Creation of a small / low level glazed window in the area of the proposed ensuite bathroom; Change in the position of the main entrance to the annex by moving front door to where a window is currently located / moving that window to where the front door is currently located; Slight alteration to the position of 2 out of 4 patio doors / replacement of 2 of the patio doors with a window. Planning permission 2021/00076/FUL -

			Conversion of outbuildings into granny annexe
2021/00108/1/C D	A	Land adjacent to 31, Cedar Road, Eglwys Brewis	Discharge of condition 9 (CEMP). Planning approval 2021/00108/FUL - Substitution of house types - 4 detached two storey houses with 4 detached bungalows
2021/00127/RG3	A	Evenlode Primary School, Evenlode Avenue, Penarth	Replacement canopy - Coniston 35 Aluminium canopy on rear steel goal posts
2021/00132/1/C D	A	Broughton Bungalow, Chapel Road, Broughton	Discharge of Condition 3 (Programme of archaeological work). Planning approval 2021/00132/FUL - Complete refurbishment and redevelopment to include the demolition of the existing single storey garage and the construction of a new side extension, a new part flat roof and part gabled rear extension, a new entrance porch and the raising of the existing eaves and gables with a new half hipped roof to accommodate a dormer loft conversion at Broughton Bungalow, Chapel Road, Broughton
2021/00154/1/C D	A	Larkfield, St. Andrews Road, Dinas Powys	Discharge of Condition 3 (Details / additional details). Previous approval 2021/00154/FUL - Enlargement of existing vehicle access
2021/00156/FUL	R	65, Ffordd Pentre, Barry	Single storey side extension with balcony above

2021/00171/FUL	A	Llantwit Major Rugby Football Club, Boverton Road, Llantwit Major	Proposed two storey extension (renewal of planning permission 2016/00180/FUL)
2021/00174/FUL	A	17, Newbarn Holdings, St. Athan Road, Flemingston	Single storey extension, to provide living accommodation for an ailing dependent. Demolition of existing garage and stables and construction of new horse stables and tack room
2021/00183/FUL	A	Birchcourt, 4, The Butts, Cowbridge	Proposed alterations to include removal of garage and new kitchen/snug extension to ground floor and principal bedroom extension to first floor
2021/00188/FUL	R	Land adjacent to Station Terrace, Station Road East, Wenvoe	Proposed construction of Berm house
2021/00258/FUL	A	3, Church Crescent, St. Hilary	Proposed two storey rear extension featuring a Juliette balcony
2021/00276/1/N MA	A	Gwynfa, David Street, Wick	Change Bi-fold doors to French doors with side lights and add windows to the side of the single storey extension
2021/00279/FUL	R	20, Elm Grove Place, Dinas Powys	First floor extension above existing extension with Juliet balcony to rear and two storey extension to front
2021/00288/PND	A	Celtic Ash, Aberthaw Power Station, The Leys, Aberthaw	Demolition of steel skeleton structure, steel cladding, concrete panels and small office block
2021/00300/FUL	A	318, Barry Road, Barry	Dropped kerb crossover to front of property

2021/00320/FUL	A	190, Colcot Road, Barry	Drop kerb to enable off road parking
2021/00346/FUL	A	Red Oaks Annexe, Upper Farm, Rhoose Road, Rhoose	Single story side extension to existing building to create TV cinema room and additional WC
2021/00348/FUL	A	8, Swanbridge Grove, Sully	AMENDED PLANS: Proposed first floor extension to front above garage. Proposed two story rear extension with Juliet balcony. Proposed orangery to replace existing conservatory. Attic conversion with roof lights. Frosted glass curtain wall to front elevation. Replacement of existing windows and doors. Proposed porch and other alterations
2021/00385/FUL	A	6, Ashby Road, Sully	Single storey side extension to comprise garage boot room and home gym. Existing raised terrace extended to rear. Existing sunken patio to rear removed and lawn extended to boundary at same level as current lawn
2021/00404/FUL	R	7, Wayside Cottages, Cardiff Road, Dinas Powys	Remove current garden and front step and put a new driveway in place
2021/00430/FUL	A	Tynewydd Farm, Livery Stables, Flemingston	Proposed construction of equestrian arena, 30m x 60m (1800m ²) with fibre sand surface and kickboard height fencing from existing grazing paddock
2021/00434/FUL	A	74, Queens Road, Penarth	Proposed three storey rear extension with all finishes to match existing

2021/00435/FUL	A	59, Main Road, Ogmore By Sea	AMENDED PLANS: Demolish existing bungalow and detached garage. Build new two storey house with detached garage
2021/00440/FUL	A	38, Purcell Road, Penarth	Hip to gable rear roof (annexe) as built from as approved proposal 2018/01164/FUL
2021/00441/FUL	A	Mereworth House, Heol-y-cawl Lane, Corntown	Proposed single storey ground floor extension to side elevation, first floor side extension and retention of extended garden area
2021/00446/1/C D	A	Glamorganshire Golf Club, Lavernock Road, Penarth	Discharge of Condition 3 [Method Statement and Risk Assessment] of planning permission: 2021/00446/FU [Refurbishment of existing car park surface to include asphalt finish to access road and parking spaces and grasscrete parking surfaces to overflow area. Upgrade to surface water drainage in accordance with the SUDS approval. Replacement of perimeter fence to whole of Lavernock Road boundary]
2021/00469/FUL	A	9, Stradling Close, Cowbridge	Proposed rear dormer extension to residential property
2021/00472/FUL	A	48, Dunraven Close, Cowbridge	Loft conversion including flat roof rear dormer extension and sloping rooflights to front slope. New roof covering to match existing. Dormer extension finished in zinc cladding to external vertical faces and roof. New small windows

			(with obscure glass) to gable side walls
2021/00488/FUL	A	Saers Court, St. Mary Church	Demolition of existing modern extension and replacement with new extension. New extension to northern annex to create extra bedroom, gym and living area. Three new dormer windows to southern 2 storey wing.
2021/00490/FUL	A	5, Regency Close, Llantwit Major	AMENDED PLANS: Two storey extension to side of existing property, demolition of existing garage and conversion of existing conservatory
2021/00499/FUL	A	16, Colcot Road, Barry	New build two storey extension to right side and rear, extension of porch across front of new build. Right side elevation windows to be frosted glazing. Finishes to external elevations to be render
2021/00501/FUL	R	17, Beechwood Drive, Penarth	Enlarged porch and dormer to front elevation. Ground floor extension and extended dormer to rear elevation
2021/00503/FUL	A	2 Cold Knap Way, Barry	Proposed garage, driveway and garden landscaping. New 5 bar gate to existing access. Proposed extension to existing dwelling to provide entrance porch, side annex to create bedroom and bathroom
2021/00506/FUL	A	16, St Fagans Avenue, Barry	Demolish existing single storey extension to side of dwelling and construct new two storey extension.

			Existing house/new extension to receive render finish. Adjust existing drive to accommodate min. two parking spaces and new vehicle crossover to pavement
2021/00512/FUL	A	27, The Wheate Close, Rhoose	Convert adjoining garage into living/dining room - the wall between the garage and kitchen will be knocked through and a window will replace the garage door
2021/00518/FUL	A	11, Llantwit Major Road, Cowbridge	Two storey side extension to dwelling, new double garage and a garden pod at rear of garden
2021/00522/LAW	A	7, Llandaff Close, Penarth	Proposed replacement conservatory
2021/00525/FUL	A	24, Bryneithin, Dinas Powys	Garden store
2021/00539/FUL	A	48, Port Road East, Barry	Loft conversion with dormers to front and rear
2021/00543/FUL	A	Field behind Court Close in Aberthin, accessed by the lane that extends from Downs View Close	Constructing a semi-permanent polytunnel, measuring 5.5m wide by 17m long. It is made of metal poles, with a timber door frame and a tightly fitted clear polythene cover. Located 2m from our field boundary, and a further 2m from any garden boundary.
2021/00551/FUL	A	45, Castle Avenue, Penarth	Addition of porch to front of house
2021/00559/FUL	A	72, Blackberry Drive, Barry	Construct rear single storey extension and first floor front elevation extension

2021/00561/FUL	A	Field adjacent to and The Coach House, Cwrt Yr Ala Road, Michaelston Le Pit	Installation of underground Ground-Source heat pump pipework
2021/00562/FUL	A	104, High Street, Barry	Change shop front
2021/00565/LAW	A	Stepping Stones, Llancarfan	Internal alterations and refurbishment at ground and first floors to create 3 bedrooms and 3 bathrooms at first floor level and improve the kitchen, dining and living accommodation at ground floor level
2021/00567/FUL	A	208, Westbourne Road, Penarth	Single / two storey rear extension with Juliet balcony
2021/00568/FUL	A	44, Dock View Road, Barry	Proposed property conversion to form 3no self-contained flats with associated external works
2021/00571/FUL	A	52, Romilly Road, Barry	Remove an asbestos corrugated panel garage roof and replace with new useable terrace to form an extension to the existing terrace
2021/00574/1/N MA	A	77, Shakespeare Avenue, Penarth	Non Material Amendment - reduce the size of the side extension. Planning approval 2021/00574/FUL - Demolition of existing conservatory and the construction of a new single storey side and rear extension plus all associated works
2021/00576/FUL	A	Stepping Stones, Llancarfan	New roof dormer with inset balcony, 8 no. conservation type roof windows and 2 no. new windows at first floor level, 1 no. with a Juliet balcony and alterations to enlarge 1 no.

			window. alter 2 no. windows to become glazed doors and 1 no. door to become window at ground floor
2021/00580/ADV	A	Tesco Stores Ltd, Culverhouse Cross	Proposal to install 2 x fascia signs and 1 x graphic vinyl
2021/00582/FUL	A	1, Seys Close, Cowbridge	Two storey extension with continuation of dormer window on the rear side
2021/00585/FUL	A	91, Port Road East, Barry	Demolition of existing garage. Proposed two storey side extension to form a garage, and hallway with 2 bedrooms and bathroom at first floor. Single storey rear extension to form an open plan living and kitchen area together with existing kitchen and dining area extended to the main house
2021/00586/FUL	A	26 Slade Close, Sully	Single storey side and rear extension
2021/00593/FUL	A	7, Nant Talwg Way, Barry	Two storey side extension for granny flat and alteration / addition to fenestration
2021/00597/LAW	A	30, Heath Avenue, Cogan, Penarth	Conversion of garage and internal alterations
2021/00607/FUL	A	132, Fontygary Road, Rhoose	Proposed ground floor extension to front; proposed new porch; proposed heightening of roof; new dormer to front; first floor extension to the rear and side and other internal and external alterations

2021/00608/PND	A	Aberthaw Power Station, Pump House Road, West Aberthaw	Proposed Demolition of the trial carbon capture plant comprising of 2 tubular columns used for the recovery and separation of gases, a heat exchanger, a boiler vessel and separator tank, 2 x effluent tanks, a transformer, a control room and a pipe bridge.
2021/00628/FUL	A	Mill Farm, Llandow	Proposed in ground swimming pool and pool equipment shed
2021/00629/FUL	O	Old Cottage Bakery, Rear of 15/16 High Street, Penarth	Demolition of builders store and erection of new three bedroom semi detached dwelling
2021/00630/FUL	A	11, Llandaff Close, Penarth	New conservatory to the rear of existing house
2021/00633/FUL	R	Arvika, Mount Road, Dinas Powys	Two storey side extension and single storey front and rear extensions
2021/00634/FUL	R	Ty Buwch, Bute Lane, Penarth	The partial demolition and conversion of an existing derelict house into 2 no. two bedroom houses with associated car parking
2021/00635/FUL	A	47, Arcot Street, Penarth	Change of use from C3 single residential dwelling to C4 house in multiple occupation totalling 5 bedrooms
2021/00646/FUL	A	24, Robinswood Crescent, Penarth	Demolition of existing utility room. Single storey side extension, bay window to front elevation, 2x new gable dormer windows to front elevation, 1x extended dormer to rear and other external alterations

2021/00648/FUL	A	12, Parklands, Corntown	Change of use agricultural land by creation of an all weather unlit area of 20m x 40m. The area is to sited behind an existing copse and will be enclosed by a wooden post and rail fence similar to existing fence to the copse. The surface will be synthetic fibre and sand
2021/00650/FUL	A	39, Cardiff Road, Dinas Powys	Single storey extension to existing kitchen at the rear of the house. Removal of existing utility room and paved patio area to create a large kitchen dining area. Existing kitchen area to be made into a downstairs toilet and utility room
2021/00652/FUL	A	The Court, Colhugh Street, Llantwit Major	Single storey extensions to the side and rear, including internal and external material alterations
2021/00653/FUL	A	6, Bull Cliff Walk, Barry	Loft conversion with dormer windows, and 3 storey extension to side of house, to include the loft area
2021/00655/FUL	A	Kiva Koti, Llanmaes	Proposed outbuilding
2021/00657/FUL	A	24, Plas Glen Rosa, Portway Marina, Penarth	Proposed removal of existing balconies to front and rear and replace with new balconies to a different design with glass handrailing. Replace existing windows with French doors with glass Juliet balconies
2021/00658/FUL	A	18, Tresilian Close, Llantwit Major	Conversion of existing garage into a fully accessible dependant annex, provision of ramped access and re-modelling of existing dwelling

2021/00660/FUL	A	Fingerpost Farm, Llancarfan	Variation of conditions 2 (plans), 3 (ground levels), 4 (means of enclosure), 5 (landscaping), 7 (Parking) and 8 (Materials) of 2018/00253/FUL - Agricultural enterprise dwelling for the Assistant Training Manager for the horse racing enterprise
2021/00661/FUL	A	5, Plymouth Road, Penarth	a) Replacement of flat fibre glass roof to the rear. New roof will use thicker wooden beams and updated roof surface b) Installation of lantern window to the flat roof, constructed of accoya (long-lasting wood), also painted lamp black
2021/00663/FUL	A	7, Nyth Yr Eos, Rhoose	First floor rear extension with balcony and other alterations
2021/00664/FUL	A	58, Plymouth Road, Penarth	Replace existing main roof and front single storey roof coverings with clay tiles, replace rear single storey roof with concrete tiles, replace existing Velux with new Velux, rebuild chimney stack using salvaged bricks if possible, to existing dimensions, complete with lead DPC
2021/00667/FUL	A	27, Voss Park Drive, Llantwit Major	Side extension to existing bungalow and alterations to West side elevation
2021/00669/FUL	A	60, Plymouth Road, Penarth	Main roof, front low level roof and rear two storey roof: remove existing clay plain tile roof coverings, including felt and battens, and renew with new Redland Rosemary clay

			plain tiles, Smooth Red in colour. Introduce Velux roof window within front roof elevation, located between the dormer and party wall. Two storey chimney stack: remove existing pots and cap over chimney with code 5 lead.
2021/00672/FUL	A	4, Hinchsliff Avenue, Barry	Proposed two storey extension to side and new porch to front of existing domestic dwelling
2021/00676/FUL	A	2, Cae Gwyn, Penarth	To extend to rear of dwelling, new kitchen/breakfast room with decking verandah/steps
2021/00680/FUL	A	5, Plas Gwernen, Barry	Single storey extension to rear elevation
2021/00681/FUL	A	11, Tal Y Bryn, Penarth	Rear dormer loft conversion
2021/00682/FUL	A	3, Heol Yr Ysgol, St. Brides Major	Demolition of existing single garage, erection of two storey side/rear extension, alterations to fenestration and widening of dropped kerb
2021/00683/FUL	R	Santa Clara, 20, Evenlode Avenue, Penarth	Proposed front and rear first floor extensions, with balconies and other internal alterations to property. Renewal and raising of roof line
2021/00685/FUL	A	9, Darren Close, Cowbridge	Removal of existing hipped, glazed conservatory roof. Replace with proposed lean-to roof structure over conservatory and extend to form covered area over patio with all associated external works

2021/00688/FUL	A	77, North Walk, Barry	Two storey side extension. Entrance porch. Loft conversion with dormer on rear
2021/00690/FUL	A	1, Cawnpore Street, Cogan, Penarth	Single storey side/rear extension. Internal remodelling and dormer rear loft conversion with Juliet Balcony
2021/00691/FUL	A	41, Dinas Road, Penarth	Proposed two storey rear extension with Juliet balconies, with single storey pitched roof wrap around side and front porch extension
2021/00692/FUL	A	9, White House, Barry	Installation of a wooden shed on a concrete pad at the end of an existing driveway.
2021/00696/FUL	A	25, Dudley Place, Barry	Proposed single story side extension
2021/00697/FUL	A	90, Lakin Drive, Barry	Proposed single storey side extension
2021/00698/FUL	A	Bay 5 Coffee, Old Lifeguard Station, Promenade, Barry Island	Addition of outside serving space and storage
2021/00700/FUL	A	Ty Garreg, 3, Cardiff Road, Cowbridge	Proposed works consists of a rear two storey extension
2021/00701/LAW	A	8, Vale Court, Cowbridge	New sunroom extension to existing kitchen
2021/00702/FUL	A	71, Stanwell Road, Penarth	Alteration to front boundary wall
2021/00706/FUL	A	12, Cwrt Ty Mawr, Penarth	Proposed single garage and single storey rear extension
2021/00712/FUL	A	Woodlands House, Bonvilston	Conversion of existing garage into ancillary accommodation for family member

2021/00713/FUL	R	Pen Y Bryn, Llanmaes	Proposed Extension to Railway
2021/00714/FUL	A	The Stables, Church Road, Llanblethian, Cowbridge	Changes to window placements and conservatory to the rear elevation
2021/00715/FUL	A	White Ladies, 63, Broadway, Llanblethian, Cowbridge	Single storey rear extension and enlargement of rear dormer changing from pitched to flat roof, with Juliet balcony
2021/00717/FUL	A	38, Wordsworth Avenue, Penarth	Loft conversion to comprise hip to gable and dormer to rear (within existing house footprint), pitched roof over two storey rear extension adjusted. New doors at rear to first floor bedroom complete with Juliet balcony
2021/00719/FUL	A	10, Tewdrig Close, Llantwit Major	Proposed first floor extension, part two storey and single storey rear extension
2021/00721/FUL	A	Greystones, Higher End, St. Athan	Rear and side extension to existing dwelling
2021/00722/FUL	A	2, Tyle House Close, Llanmaes	Proposed garage conversion into habitable living accommodation to comprise of a utility and construction of stairs to a first floor home office. Proposed roof to be pitched to allow for first floor accommodation
2021/00723/FUL	A	Seaview Cottage, St. Athan	Insertion of Velux windows in roof of existing garage/outbuilding

2021/00724/FUL	A	Harvella, Gileston	Proposed remodel of the dwelling including a first-floor side extension above the existing double garage, ground floor rear extension, first floor terrace to front and side and Juliette balcony to front elevation.
2021/00728/FUL	A	2, Merrick Cottages, St. Nicholas	Two storey rear extension with Juliette balcony and internal remodelling
2021/00731/FUL	A	3, Westra Cross, Dinas Powys	New garage door, window, door and patio doors to elevations
2021/00739/FUL	A	Murchfield Community Centre, Sunnycroft Lane, Dinas Powys	A temporary portable building to house an office and storage/display space for local charity Dinas Powys Voluntary Concern.
2021/00742/PNA	R	Rose Paddock, Pont Sarn Lane, Peterston Super Ely	Agricultural building
2021/00743/FUL	A	14, Anchor Road, Penarth	Metal balcony and associated glass balustrade to front of property
2021/00745/FUL	A	103, Minehead Avenue, Sully	Demolish existing conservatory and garage and construct new family room bedroom and wetroom
2021/00746/FUL	A	3, Picton Court, Llantwit Major	Two storey rear extension
2021/00748/FUL	A	Carreg Llwyd, Llancarfan	First floor extension over previous ground floor extension
2021/00751/FUL	A	45, Cedar Way, Penarth	Rear double storey extension with Juliet balconies. First floor window to side elevation.

2021/00755/FUL	A	44, Heol Cae Pwll, Colwinston	Single storey extension to rear elevation
2021/00758/FUL	A	18, Albert Road, Penarth	Erection of garage within the curtilage of property
2021/00761/LAW	A	Annwylfan, St Brides Road	Single storey extension to rear of existing dwelling
2021/00763/OBS	S	Land at Oaklands Farm, Pancross Farm and Redlands Farm near Bonvilston	Solar farm and energy storage (battery) development with ancillary infrastructure across a total area of approximately 126 ha of farmland
2021/00766/FUL	A	19, Oxford Street, Barry	Extend rear of dwelling and raise roof to link to 17 Oxford Street - to incorporate new toilet and utility room
2021/00774/FUL	A	St. Hilary Village Hall, St. Hilary	Alteration to external doors to allow for disabled access
2021/00777/FUL	A	92, Crompton Way, Ogmore By Sea	Single storey extension to the rear of a property with walk on balcony and new glazed access door
2021/00778/FUL	A	65, Plymouth Road, Penarth	Proposed single storey rear extension
2021/00780/FUL	A	Ty Pererin, Colhugh Street, Llantwit Major	Single storey extension comprising a garden room and covered loggia
2021/00783/FUL	A	16, Baroness Place, Penarth	Demolition of existing annex to rear and erection of new ground floor extension, internal alterations and loft conversion
2021/00784/FUL	A	27, Cae Canol, Penarth	Single storey rear extension. Proposed solar panels to rear roof slope. New windows to new and existing

2021/00787/PNT	R	Barry Gymnasium, 8, Paget Road, Barry	Removal of existing 6No. antennas, 6No. RRU units, 2No. equipment cabinets and other ancillary equipment; Relocation of existing 3m sq. free standing support frame c/w yoke bracket; Installation of 6No. replacement antennas, with the height to top of antennas at 16.90m AGL; 15No. ERS units; 2No. replacement equipment cabinets and ancillary equipment thereto.
2021/00790/FUL	A	52, Shakespeare Avenue, Penarth	Proposed single storey rear and side wrap-around extension with associated external works
2021/00797/FUL	A	4, Grassmere Close, Llandough	Two storey/single storey rear extension
2021/00798/FUL	A	83, Castle Drive, Dinas Powys	Single storey side and rear extension
2021/00799/FUL	A	22, Hinchsliff Avenue, Barry	Proposed extension to the side and new porch to front of existing domestic dwelling
2021/00800/FUL	A	12, The Paddocks, Penarth	Demolition of existing sun room. Construction of single storey side extension, first floor side extension over existing garage and utility room/WC, two storey extension to rear of garage and external alterations
2021/00801/FUL	A	59, Harding Close, Boverton, Llantwit Major	Ground Floor extension to rear of house
2021/00802/FUL	A	48, Smithies Avenue, Sully	Proposed first floor extension above the existing porch

2021/00803/FUL	A	17, Caer Worgan, Llantwit Major	Removal of existing conservatory. Proposed wrap around single storey extension to form a garden room, extended kitchen and utility room
2021/00804/FUL	A	The Larches, Caer Worgan, Llantwit Major	Removal of existing conservatory and replacement with single storey extension to provide home office/music room, garden room and storage
2021/00806/LAW	A	92, Cog Road, Sully	Single storey rear extension
2021/00807/FUL	A	11, Tewdrig Close, Llantwit Major	Proposed side extension to provide new garage and utility room. Existing garage converted into study
2021/00808/FUL	A	166, Port Road East, Barry	Wraparound Side and Rear Single Storey Extension
2021/00815/FUL	A	11, Monmouth Way, Boverton	Single storey extension carried out to the rear of the property with French doors to extend kitchen area
2021/00816/FUL	A	Franklin Court, Llanmaes	Garage conversion to incorporate art studio
2021/00817/FUL	A	94, Phyllis Street, Barry	Proposed conversion of the existing loft space including insertion of flat roof dormer at the rear
2021/00819/FUL	A	8, Norwood Crescent, Barry	Single storey rear extension and use of disused garage as part of dwelling and loft conversion with rear dormer and external alterations

2021/00820/FUL	A	3, Tennyson Way, Llantwit Major	Proposed demolition of existing detached garage. Proposed construction of single storey rear extension comprising of additional bedroom, garden room and granny annex
2021/00823/FUL	A	17, Ewbank Close, Barry	Single storey rear extension, loft conversion with rear dormer, new garage and outbuilding in rear garden with rain shelter to side drive
2021/00824/FUL	A	21, Plassey Street, Penarth	Single storey rear extension
2021/00826/LAW	A	6, Somerset View, Sully	Proposed art and craft studio, home fitness gymnasium, and yoga suite
2021/00827/FUL	R	Carreg Las, Redway Road, Bonvilston	Variation of Condition 2 (Approved Plans) of Planning Permission 2020/00381/FUL: Proposed new dwelling
2021/00828/FUL	A	Baruch, Fort Road, Lavernock	Removal of existing pitched roof structure to allow new first floor flat roof extension, including minor internal and external works
2021/00833/FUL	A	25, Station Road, Penarth	Single storey ground floor extension to existing kitchen. Alterations to fenestration of existing rear dormer, including the creation of a Juliet balcony
2021/00834/LAW	A	32, Romilly Road, Barry	Current doorway, window and also an old lean to conservatory on the side of the house to be removed and an opening of 3.7m wide and 2.3m high made and bi-folding doors fitted

2021/00835/FUL	A	6, Oakwood Close, Llandough, Penarth	Two storey side extension. Existing garage demolished and rebuilt in new position
2021/00842/FUL	A	94, Pontypridd Road, Barry	Ground floor rear extension, to allow for a wheelchair access bedroom and shower room
2021/00850/FUL	R	1, Pioden For, Barry	Form balcony off 3rd floor bedroom with glass balustrade to rear of property
2021/00853/FUL	A	Parkmount, Bridgeman Road, Penarth	Demolition of existing side conservatory and replacement with orangery and alterations to existing balcony
2021/00855/FUL	A	68, White Farm, Barry	Single storey extension to rear of existing domestic dwelling
2021/00856/LAW	A	23, Britway Road, Dinas Powys	Demolition of existing single storey extension and proposed replacement single storey extension to rear of existing dwelling, alterations to fenestration
2021/00857/FUL	A	Riverside Cottage, Wine Street, Llantwit Major	Variation of Condition 2 (Approved Drawings) of Planning Permission Ref. 2019/00562/FUL: Demolish part of existing roof to create a new balcony and new glazed extension to the main elevation
2021/00858/FUL	A	Meadow Way, St. Andrews Road, Dinas Powys	Erection of single storey flat roof extension and external alterations
2021/00859/FUL	A	23, Crompton Way, Ogmore By Sea	Loft conversion with rear dormer

2021/00864/FUL	A	13, Clive Place, Penarth	External alterations to the rear elevation and the replacement of the existing upvc windows with timber box sash windows
2021/00869/FUL	A	22, Coed Bach, Barry	Proposed single storey side extension to form a store and playroom / home working extension
2021/00871/FUL	A	1, Pendoylan Close, Barry	Proposed two storey extension to side of existing domestic dwelling
2021/00874/FUL	A	17, Whitmore Park Drive, Barry	Single storey side extension for utility area and downstairs WC
2021/00879/FUL	A	15, Plassey Street, Penarth	Demolition of existing garage. Form new garage / storage and garden studio / office
2021/00881/FUL	A	Pear Tree House, Llysworney	Internal alterations, including conversion of existing garage into extended kitchen with new bay window. Proposed new single garage and storage area
2021/00885/FUL	A	Holmhurst, Southra, Dinas Powys	Hip to gable loft conversion with balcony area
2021/00886/FUL	A	22, Plassey Street, Penarth	Single storey rear extension
2021/00888/FUL	A	8, Leigh Close, Boverton	Proposed single storey rear extension
2021/00896/FUL	A	1, The Nurseries, Fontygary Road, Rhoose	Rear ground floor extension and side canopy over pine end door
2021/00913/LAW	A	Millwood, Pen-Y-Turnpike Road, Dinas Powys	Demolition of existing conservatory to the rear elevation. Construction of single storey rear extension with pitched roof.

			All wall and roof finishes to match main dwelling.
2021/00915/LAW	A	The Meadows, St Hilary	Single storey rear extension
2021/00925/FUL	A	11 Dyfrig Street, Barry	Proposed rear extension and rear dormer loft conversion
2021/00932/FUL	A	46, Clos Yr Wylan, Barry	Retrospective application for a timber outbuilding, used as a home gymnasium, located at the rear of the property
2021/00944/FUL	A	58, Cae Newydd, St Nicholas	Orangery to rear elevation
2021/00954/LAW	A	72, Brookfield Avenue, Barry	Proposed single storey side extension to ground floor to provide ground floor WC and storage / workshop area
2021/00994/PNA	A	Llanfrynach Farm, Cowbridge	Agricultural shed

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 1 SEPTEMBER 2021

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2021/00603/TPO
Appeal Method: Written Representations
Appeal Reference No: T/21/3279042
Appellant: Mrs. Diane Prosser
Location: 27, Pwll-Y-Myn Crescent, Peterston Super Ely
Proposal: Works to trees covered by Tree Preservation Order No.2 of 1959: Removal of Two Scots Pine Trees (T1 and T2)
Start Date: 23 July 2021

LPA Reference No: 2021/00718/FUL
Appeal Method: Written Representations
Appeal Reference No: D/21/3278771
Appellant: Patricia Turner
Location: 11, Plas Glen Rosa, Penarth Portway, Penarth
Proposal: Single storey rear extension
Start Date: 29 July 2021

LPA Reference No: 2020/01533/FUL
Appeal Method: Written Representations
Appeal Reference No: D/21/3279504
Appellant: Andrew and Elin Osmond
Location: 38, Wordsworth Avenue, Penarth
Proposal: Loft conversion comprising hip to gable and dormer to rear. Doors to current first floor rear elevation to be widened
Start Date: 30 July 2021

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

LPA Reference No: 2020/01530/FUL
Appeal Method: Written Representations
Appeal Reference No: 21/3273339
Appellant: Mr Matthew Courtney
Location: 33, Station Road, Penarth
Proposal: Erection of a one bedroom house and associated development thereto
Decision: Appeal Dismissed
Date: 16 July 2021
Inspector: J Tudor
Council Determination: Committee

Summary

The main issues were considered to be the effect of the development on the character and appearance of the area, whether living conditions would be acceptable with regard to private outdoor space, the effect on neighbouring occupiers and the contribution towards affordable housing.

Character and appearance

The appeal site comprised a piece of land on the corner of Station Road and Station Terrace. Although the one-bedroom house would respect the front building line along Station Terrace, its ground floor would breach the building line of properties fronting onto Station Road and would occupy a previously open, unbuilt area with a built form that would compromise the existing sense of spaciousness. Its form, scale and position would therefore appear prominent and incongruous in its corner setting, to the visual detriment of the street scene and conflict with policies MD2 and MD5 of the LDP.

Living conditions of future occupiers

The main garden space would be shallow and positioned to the front of the dwelling next to public footways and highways which would lack privacy and discourage its use and higher boundary screening would be likely to have a negative enclosing and confining effect on users.

Other dwellings with small courtyard gardens referred to by the appellant were to the rear of properties and were considered by the Inspector likely to offer more privacy than an area of outdoor space to the front. The nearest park or open space was 400m away and the Inspector was not persuaded that this mitigated the shortfall in outdoor space. It was therefore concluded that the proposed development would not provide acceptable living conditions for future occupiers, with regard to sufficient private outdoor space, contrary to policy MD2 and the SPG.

Living conditions of neighbouring occupiers

The Inspector noted that the appeal site was intended to form part of the gardens for two dwellings resulting from the conversion of 33 Station Road and the Council considered that the proposed development would lead to a reduction in that garden space and have an adverse effect on outlook for the existing occupiers. Although below current SPG standards, those dwellings would retain side garden spaces of about 58m² and 50m², respectively and given the remaining gardens would not appear significantly dissimilar in size to rear gardens along Station Terrace, they were considered to be sufficient.

The proposed development would however introduce 5m high elevations at its northeast corner, within about 3m of a ground floor opening within the flank elevation of 1 Station Terrace and as a result, would have an overbearing effect on those neighbouring occupiers and be likely to result in a loss of natural light to that opening. The Inspector therefore concluded that there would be a significant adverse effect on the living conditions of occupiers of 1 Station Terrace, with regard to outlook and loss of natural light, contrary to LDP policy MD2.

Affordable housing contribution

The Inspector acknowledged the relevant LDP policy and SPG and that a contribution of £27,770.40 to fund the provision of off-site affordable housing would be acceptable. Although the appellant had indicated a willingness to make such a contribution and had supplied a draft Unilateral Undertaking (UU), there was no confirmation that its form and content had been approved by the Council and it had not been executed. The proposal therefore failed to make the necessary contribution to affordable housing, contrary to the requirements of the LDP and supporting SPG.

Planning Balance and Conclusion

Whilst the Inspector acknowledged that the development would contribute to the supply of housing in a sustainable location and there would also be some economic and social benefits, these would be relatively modest and would not outweigh the harm identified to the character and appearance of the area and to the living conditions of future and neighbouring occupiers, which conflicted with the LDP. It was therefore concluded that the appeal should be dismissed.

LPA Reference No:	2021/00181/FUL
Appeal Method:	Written Representations
Appeal Reference No:	D/21/3275598
Appellant:	Mr. Alan Newton
Location:	51, Amherst Crescent, Barry
Proposal:	Proposed first floor extension over existing garage with Juliet balcony to front elevation, additional window to first floor rear elevation
Decision:	Appeal Dismissed
Date:	21 July 2021
Inspector:	J Townsley
Council Determination:	Delegated

Summary

The main issue was considered to be the effect of the proposed development on the living conditions of the occupiers of No. 49 Amhurst Crescent with particular reference to outlook.

The appeal dwelling was on the eastern side of the pair of semi-detached dwellings with a row of terraced dwellings to the east, with No. 49 Amhurst Crescent being the nearest. The proposal was for a first floor extension over the existing garage with Juliette balcony to the north elevation and an additional window to first floor south elevation. The extension would span the full width of the existing garage with a setback of approximately 0.5 metres from the southern elevation but would extend the first-floor element of the host dwelling to within approximately 1 metre of the boundary with No. 49.

Whilst the Inspector noted that attempts have been made to reduce the impact of the proposal on the outlook from No. 49 from a previously refused scheme it was identified that the area of greatest mass of the side extension would still fall in line with the southern elevation of No. 49, the windows on that elevation and the amenity space which fell adjacent to the southern elevation. It was considered that the introduction of a first-floor element in this location would have an overbearing impact on the outlook from the neighbouring dwelling and garden and the presence of a modest shed in the garden of No. 49 would not ameliorate the impact of the proposed extension.

It was therefore concluded that as a result of its scale, siting and the depth of projection past the neighbour's rear elevation, the proposed extension would have an unacceptable impact on the living conditions of the occupiers of No. 49. It would fail to safeguard residential amenity and therefore be contrary to policy MD2 of the LDP and Residential and Householder Development SPG. Whilst the occupier of No. 49 had not objected to the proposal, the Inspector confirmed that she had assessed the appeal objectively and had to be mindful of the impact of the development on the living conditions of future occupiers. It was therefore concluded that the appeal should be dismissed.

LPA Reference No:	2021/00230/FUL
Appeal Method:	Written Representations
Appeal Reference No:	D/21/3276521
Appellant:	Mr & Mrs Watkins
Location:	The Barn, Cuckoo Lane, Moulton
Proposal:	Demolition of existing single storey front extension and erection of new front and rear two storey extensions, with balcony to the front elevation. New store/gym on lower level
Decision:	Appeal Dismissed
Date:	22 July 2021
Inspector:	A Thickett
Council Determination:	Delegated

Summary

The main issue was considered to be whether the proposed development conflicted with policies designed to protect the countryside.

The appeal site was in the open countryside less than a mile to the north east of Cardiff Airport and the barn was converted to a dwelling following the grant of planning permission in 2004. The Inspector identified the most relevant policy as MD11 of the LDP, which requires re-use to be achieved without substantial reconstruction, extension or alteration that unacceptably affects the appearance and rural character of the building or its setting. Similarly, the Council's SPG on 'Conversion and Renovation of Rural Buildings' was given significant weight and it was considered that whilst the barn had been in residential use for some time, the objectives of Policy MD11 and the SPG would be undermined if they did not continue to apply post conversion.

The proposed development would almost double the size of the building and the Inspector considered that in terms of mass, this was not a minor addition or subordinate in scale and therefore constituted substantial new-build elements, contrary to Policy MD11 and the SPG. Whilst it was noted that the conversion of The Barn was sympathetic to its historic function, the proposed extensions would swamp The Barn, severely compromising its rustic simplicity and modest origins and would materially alter the character of the existing building to its detriment. As The Barn was visible from the south and to the occupiers of the adjoining properties, the harm to the form and appearance of The Barn would be detrimental to the appearance and rural character of the building and the character and appearance of the area.

Other matters

Whilst the appellant referred to extensions to the property permitted in 2005 which would have been larger than the current proposals the Inspector noted that permission has long since lapsed and were granted before the adoption of both the LDP and SPG. The Inspector considered photographs of the site prior to the conversion showing outbuildings to the north and the appellant's circumstances but considered that harm identified would continue long after these personal circumstances ceased to be material.

Conclusions

It was therefore concluded that the proposal did not comply with Policies MD2 and MD11 of the LDP and that the appeal should be dismissed.

LPA Reference No: 2020/00353/FUL
Appeal Method: Written Representations
Appeal Reference No: D/21/3273742
Appellant: Mr & Mrs Majewski
Location: 2, Bramble Rise, Cogan, Penarth
Proposal: Two storey extension to side elevation of property and extended curtilage
Decision: Appeal Dismissed
Date: 28 July 2021
Inspector: J Tudor
Council Determination: Delegated

Summary

The main issues were considered to be the effect of the proposed development on the character and appearance of the host dwelling and the area and highway safety on the adjacent road network.

Character and appearance

The appeal property comprised a two-storey, three-bedroomed at the end of a row of three pairs of similar houses. To the north-west is a relatively sizeable semi-circular area of green space, which accommodates a footway and divides the property from the road that loops around the house and its front and rear gardens. There are three other similar areas of green space on nearby corners which form a pattern and help to provide a sense of openness and space which contributes positively to the character and appearance of an otherwise built-up estate.

The proposed extension and garden area to its side would extend into the adjacent green verge area. Whilst the appellant submitted that the existing open green area and footway would remain and that it was not a formal recreational space, the Inspector considered that it would result in a material incursion of built form into the green roadside area, which would significantly diminish the existing sense of openness and space. Furthermore, the proposed sizeable addition at the end of the row, would imbalance that regularity of form and design and be to the visual detriment of the existing dwelling and the group and the increase in massing on a prominent corner would have an adverse visual impact on the street scene. It was not considered that the design and use of matching materials to complement the existing dwelling and others in the area would be sufficient to mitigate the negative impacts identified and the use of conditions would not make the proposal acceptable.

The Inspector therefore concluded that the proposed development would have an adverse effect on the character and appearance of the host dwelling and the area and be contrary to policies MD2 and MD5 of the LDP.

Highway safety

Whilst the Council had expressed concern that the proposed development would obstruct forward visibility for road users and thereby have an adverse effect on highway safety, the Inspector considered that the interaction between street geometry, forward visibility and driver behaviour was

complicated and the effects were likely to vary depending on the particular context.

Given the road layout, steep gradient, the occasional presence of buses and the possibility of pedestrians crossing the road, the Inspector considered that drivers traversing the bend would exercise a reasonable degree of caution. Therefore, whilst the illustrative plan indicated some interference in forward visibility, the Inspector was not persuaded that there would be a significant effect on highway safety and it would therefore comply with the requirement in LDP policy MD2.

Planning Balance and Conclusion

Given the appellant's submissions regarding personal circumstances, the Inspector confirmed that they had regard to the Human Rights Act 1998, including Article 8 which concerned the right for private and family life and the home to be respected, together with Article 1 of the First Protocol relating to the protection of property. However, it was confirmed that those rights were qualified rights and interference in them may therefore be considered necessary if it related to the regulation of land use through development control measures, which is recognised as an important function of Government.

The Inspector considered that the existing dwelling was a 3-bedroomed, semi-detached house, which offered a reasonable level of accommodation. Whilst considering the need for home-working and home-schooling during the pandemic, those requirements were likely to be temporary in nature, the benefits and the particular circumstances of the appellants, they were not sufficient to outweigh the harm identified to the character and appearance of the host dwelling and the area and there would be conflict with the LDP, considered as a whole. There were no material considerations sufficient to justify a decision other than in accordance with the development plan and it was therefore concluded that the appeal should be dismissed.

LPA Reference No:	2020/01467/FUL
Appeal Method:	Written Representations
Appeal Reference No:	21/3275640
Appellant:	Mr Anthony Pritchard
Location:	Land adjacent The Lindens, Bradford Place, Penarth
Proposal:	New predominantly single storey dwelling with recessed two storey element
Decision:	Appeal Dismissed
Date:	3 August 2021
Inspector:	R Duggan
Council Determination:	Delegated

Summary

The main issues were considered to be the effect of the development on protected trees and whether the development would conflict with policy requirements relating to affordable housing provision.

Protected Trees

The Inspector identified that the appeal site contained a large number of TPO trees which would be in close proximity to the proposed dwelling. The appellant had submitted a survey of the condition of the trees and a Tree Constraints Plan, which showed the extent of the root protection areas (RPAs) and canopy spread of the trees on site.

It was identified that a significant proportion of the house and garden would be under the canopies of trees, however the appellant had prepared a Daylighting and Amenity Space Analysis which concluded that sufficient natural light would enter the property through a combination of gaps in the canopies and the design of the house that would let light in via the courtyard and the use of roof lights.

The Inspector considered that it was inevitable that adjacent trees which would shade the property throughout the year would have a dominating effect on the house. Prospective purchasers of the new house would know what they would be letting themselves in for with regard to the shading and may also be content with a garden dominated by trees and habitable rooms that have lower levels of natural light. However, longer-term, it was considered that occupants would become increasingly annoyed with the dominating presence and significant shading provided by the trees and there would be increasing pressure for works to be undertaken to the trees to prevent nuisance or where the living environment was unduly gloomy.

It was therefore concluded that the close proximity of the house to the trees would have an overbearing and dominating impact, to the detriment of the living conditions of future occupiers. The development would necessitate works to the adjacent protected trees to enable the proposed development and would result in pressure for future works, including potential felling. The Inspector therefore concluded that the proposed development would have a harmful impact on the protected trees which would significantly harm the character and appearance of the area. Having regard to the duty imposed by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, it was considered that the proposal would neither preserve or enhance the character and appearance of Penarth Conservation Area and also conflict with Policies MD2 and MD5 of the LDP.

Affordable Housing

The Inspector acknowledged the relevant SPG and that a contribution of £27,770.40 to fund the provision of off-site affordable housing would be required. Whilst the appellants had submitted a Unilateral Undertaking with the appeal confirming that they would agree to pay the requisite amount, the Inspector considered that the willingness of the appellants to put forward a

financial contribution towards affordable housing would not overcome the harm that had been identified above.

Conclusions

It was concluded that the harm that had been identified in terms of the first main issue was unacceptable and the appeal was therefore dismissed.

LPA Reference No:	2020/00142/FUL
Appeal Method:	Written Representations
Appeal Reference No:	21/3277052
Appellant:	Mr Graeme Roberts
Location:	10, Clive Place, Penarth
Proposal:	Replace the single dormer with a dormer spanning the full width of the property roof space
Decision:	Appeal Dismissed
Date:	11 August 2021
Inspector:	P J Davies
Council Determination:	Delegated

Summary

The main issue was considered to be the effect of the proposed development on the character and appearance of the Penarth Conservation Area.

The Inspector identified that the appeal property was a mid-terrace house in an attractive predominantly stone Victorian terrace which had seen other large flat roof dormer additions to the front roof slopes, which generally detracted from its appearance. It was also evident that the more recent dormer additions replaced smaller ornate single dormers, some of which remained, including at the appeal property.

It was considered that the more recent roof alterations had influenced the character and appearance of the terrace, however there was a visual balance remaining which highlighted the architectural integrity of the original dormers and distinguished the modern dormers as patently poor examples to follow. The proposed dormer would span most of the width of the roof and be a visually discordant form of development that failed to respect the character and appearance of the existing building and taken cumulatively with the other roof alterations, would significantly compound the loss of character and visual damage to the terrace as a whole.

Although the Inspector's attention was drawn to other dormer developments beyond the immediate setting of the appeal property, many of these were also poor examples and had damaged the roof scape. The Penarth Conservation Area Appraisal Management Plan recognised the problem of insensitive alterations to buildings and the need for continued control. It was considered that the overall effect of these dormers on the Conservation Area was dispersed and they did not define the character or appearance of the area to the extent that the harm arising from the proposal would be justified.

It was therefore concluded that the proposal would be harmful to the character and appearance of the area and it would fail to preserve the character or appearance of the Conservation Area contrary to Policies SP10, MD2, MD5 and MD8 of the LDP and the Residential & Householder Development SPG and the appeal was is dismissed.

LPA Reference No:	2021/00695/FUL
Appeal Method:	Written Representations
Appeal Reference No:	21/3278175
Appellant:	Mr Steve Butler of Sol Environment Ltd
Location:	Barry Biomass Facility, David Davies Road, Barry, CF63 4JE
Proposal:	Erection and use of a fire water tank
Decision:	Non-Validation Appeal Allowed
Date:	20 July 2021
Appointed Person:	Robert Sparey
Council Determination:	Delegated

Summary

The appeal was made under section 62ZB of the Town and Country Planning Act 1990 against a notice of invalidity issued by the Council in respect of application 2021/00695/Ful for the erection and use of a fire water tank.

The Appointed Person noted that Barry Biomass Facility was subject to a complex planning history and confirmed that the Non-Validation Appeal system was not an appropriate mechanism for resolving issues of whether a previous planning permission had been lawfully implemented, what the optimum consenting strategy for a proposal was, or whether a proposal was 'EIA development' under the relevant Environmental Impact Assessment Regulations. The appeal only dealt with whether the submitted S73A application was validly made and whether the notice of invalidity was properly served.

The Council had stated that it considered the development as built to be unauthorised and that to regularise the whole development as built would require planning permission for a generating station. However, the Appointed Person considered that the application as submitted did not seek permission for the whole development, but specifically for a fire water tank and did not therefore include an application for a generating station. In accordance with Section 62ZA(2) and 62ZA(3), a notice of invalidity must contain requirements imposed under section 62 of the 1990 Act, pertaining to the application that has been submitted and set out the LPA's reasons for thinking the application did not comply with it. It was not for the LPA to refuse to validate an application of one type as they considered that another type of application should be made.

It was a matter for the LPA if it considered that the application as submitted would fail to regularise the existing facility, but a notice under S62ZA was not the appropriate mechanism for such an informative and the requirements for such a notice were clearly defined in the 1990 Act. A requirement to submit a different type of application to a S73A application was not a validation requirement imposed under section 62 of the 1990 Act and the appeal under Ground (2)(c) therefore succeeded.

Conclusion

It was concluded that the notice as drafted did not contain any reference to a validation requirement for the type of application submitted it should be quashed. As the appeal under Ground (2)(c) succeeded, there was no requirement for the other grounds to be considered.

The Appointed Person confirmed that his conclusions related solely to the matters before him and did not fetter the LPA's determination of the S73A application, nor the execution of their duties under Regulation 11 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (as amended) should they consider that the S73A application should have been accompanied by an Environmental Statement, or Regulation 24 of those Regulations should they consider that an Environmental Statement had been provided, but it failed to satisfy the requirements of Regulation 17.

(d) Enforcement Appeal Decisions

LPA. Reference No:	ENF/2020/0208/PRO
Appeal Method:	Written Representations
Appeal Reference No:	C/21/3273028
Appellant:	Mrs Jillian Lias
Location:	98, South Road, Sully
Proposal:	Without planning permission, the installation of a 1.8-metre-high (approximately) wooden fence along the front boundary of the Property
Decision:	Appeal Allowed
Date:	3 August 2021
Inspector:	R Duggan
Council Determination:	Committee

Summary

The appeal was allowed, the enforcement notice was quashed and planning permission was granted for the installation of a 1.8-metre-high wooden fence subject to a condition requiring a scheme of soft landscaping to be planted.

The main issue was considered to be the effect of the development upon the character and appearance of the street scene. The Inspector identified that

appeal property was located in a mainly residential area, the appearance of which was mixed, with no particular obvious or distinctive defining characteristics. The boundary treatments in the locality were varied, from low fencing or low walls in brick or stone, some having hedges above, or were wholly formed of hedging and other timber fencing that appeared to be taller than the appeal fence.

The fence was situated at the back of the footway and was about 1.8 metres in height, bounding the property's front and side garden and in the Inspector's opinion, the fencing did not look out of place as there was a variety of boundary treatments in the immediate vicinity of the site. Although the fencing altered the appearance of the site boundary when viewed from South Road, it was not considered to be unduly incongruous in a street scene.

The Inspector also identified that there were examples of timber fencing of comparable height and higher than the appeal fence which gave the appeal site's surroundings a mixed character. Whilst the principles of the Council's stance were acknowledged, the Inspector considered that the boundary fencing reflected an appropriate approach to achieve secure and private amenity space for the residents, whilst not harming the appearance of the street.

It was considered that the fencing was presently a noticeable feature in the street scene, however the natural weathering processes would lessen the visual impact of the fence in the street scene and some form of planting scheme would also provide some greenery over the fence and could be required by a planning condition. It was therefore concluded that the development did not harm the character or appearance of the street scene and satisfied the requirements of Policies SP1, MD2 and MD5 of the LDP.

Other Matters and Conclusions

It was concluded that a condition requiring a landscaping scheme should be imposed and the appeal on ground (a) therefore succeeded, the enforcement notice was quashed and planning permission was granted for the retention of the wooden fence.

(e) April 2021 – March 2022 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	12	2	14	-
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		12 (86%)	2 (14%)	14	
Committee Determination		1	1	2	-
Other Planning appeals (inc. appeal against a condition)		-	1	1	-
Enforcement Appeals	W	-	1	1	-
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		(0%)	1 (100%)	-	-
All Appeals (excludes non validation appeals)	W	12	3	15	-
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		12 (80%)	3 (20%)	15	-

Background Papers

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

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 1 **SEPTEMBER, 2021**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved
E Split Decision

R - Refused

2021/00342/TPO	A	St. Quentins House, Llanblethian	Works to trees covered by TPO 1973 No. 7, at side and in rear garden of house
2021/00395/TPO	A	10, Ger Y Llan, St Nicholas	Works to trees covered by TPO No. 09 2009-T.1 Cherry - Overall crown reduction of approximately 2m. T2 Sycamore - Fell
2021/00553/TPO	A	Wenvoe Manor, Port Road, Wenvoe	Work to trees covered by Tree Preservation Order 1954, No. 04 - Fell Field Maple (T2) and fell Ash (G2 - x12)
2021/00556/TCA	A	Rowans, Llanbethery	Works to tree in Llanbethery Conservation Area: Sectioning down and removal of one sycamore tree (T1)
2021/00638/TPO	A	Friars Point House, Barry Island	Works to trees covered by TPO No.14 of 2000: Sectioning down and removal of one Holm Oak (T1); Reduction off

			property of a line of Holm Oak and fire damaged Holm Oak (G1); Removal of two Scots Pine trees which have partially failed (T2) and (T3); Removal/reduction of overhanging branches to entrance building (G2)
2021/00737/TCA	A	Friars Point House, Barry Island	Works to trees within the Barry Marine Conservation Area - Sectioning down and removal of one Holm Oak (T1); Reduction off property of a line of Holm Oak and fire damaged Holm Oak (G1); Removal of two Scots Pine trees which have partially failed (T2) and (T3); Removal/reduction of overhanging branches to entrance building (G2)
2021/00740/TPO	A	Ty Uchaf, Drope Road, St. Georges Super Ely	Work to trees covered by Tree Preservation Order No. 10, 2008 - Remove a row of 10 conifers growing on the boundary between our garden and the neighbouring field. Cut down a silver birch
2021/00765/TPO	A	35, Millbrook Road, Dinas Powys	Work to tree covered by TPO No.14 of 1973: Remove conifer tree located at the front of the property next to a retaining wall
2021/00768/TCA	A	The Old Brewery, Cowbridge	Works to tree(s) in a Conservation Area: Fell 2 X Larch-Larix and 8 X Ash trees
2021/00796/TCA	A	Brooklands, Millbrook Road, Dinas Powys	Work to tree(s) in a Conservation Area: Various pruning works

2021/00812/TCA	A	Church Cottage, Bonvilston	Work to tree(s) in a Conservation Area: Removal of cluster of beech trees. These trees are a lapsed hedge row. removal of trees in order to replace with hedging plants
2021/00837/TCA	A	30, Clive Place, Penarth	Work to tree(s) in a Conservation Area: 3 x conifers - fell to ground level
2021/00838/TCA	A	10, Hickman Road, Penarth	Work to tree(s) in a Conservation Area: T2 - birch - reduce height by up to 4m and shape; T3 - ash x 2 - fell to ground level; T4 - Birch - minor reduction and tidy up previous reduction and shape
2021/00839/TCA	A	10, Marine Parade, Penarth	Work to tree(s) in a Conservation Area: T1 - dead cherry - fell; T2 - (G2) sycamores x 3 and hornbeam - repollard to previous points
2021/00849/TPO	A	6, Park Road, Penarth	Works to trees covered by Tree Preservation Order - No. 9. 2015 - T1 - Cherry, reduce crown and cut back away from street lighting; T2 - Birch, reduce crown by 30%; T3 - Pear, reduce end weighted limbs
2021/00868/TCA	A	Stepaside, Peterston Super Ely	Work to trees in Peterston Super Ely Conservation Area: Five Ash trees with evidence of Ash die back to be dismantled and cut close to ground level in front garden

2021/00897/TPO	A	The Old Forge, Britway Road, Dinas Powys	Work to trees covered by Tree Preservation Order, 1973, No 14 - Fell and replace T1 Sycamore; Fell and replace T2 Sycamore; Fell and replace T3 Sycamore and Fell G1 Lawson and Leyland Cypress hedge line
2021/00919/TCA	A	Swyn y Coed, St Nicholas, Cardiff	Work to trees in St. Nicholas Conservation Area: T1 Magnolia- remove major limbs extending over Well Lane leaving small canopy of secondary branches; T2 Beech- crown raise over road and garden to 5m approx.
2021/00920/TCA	A	The Croft, Llangan, Bridgend	T1 - Eucalyptus- side prune/ reduction by 10-15%
2021/00922/TCA	A	48, Westbourne Road, Penarth	Work to trees in Penarth Conservation Area: Fell a maturing 8m deciduous tree in the front garden
2021/00927/TCA	A	5 Maes y Felin, Llandow	Work to trees in Llandow Conservation Area: T1 Ash - declining due to ash die back, cut back to pollard, T2 small Prunus - reduce by 50%, T3 Sycamore - light crown raise/reduce limbs overhanging garden by 2-2.5 m, T4 Ash - remove small self sown ash tree, T5 Copper Beech - remove deadwood and reduce crown
2021/00928/TCA	A	Whitecroft, Llandow, Cowbridge	T1 - Cypress - removal, T2 - Cypress - 1/3 reduction

2021/01018/TCA	A	Pond Villa, Llanmaes	Work to trees in a Conservation Area : Taking down and removal of diseased Ash tree located in rear garden of property. The tree stump will remain
2021/01068/TPO	A	3, Broadway Green, St. Nicholas	Work to tree(s) in a Conservation Area : Works to dangerous tree (Q210429.7). Pollard a semi mature Sycamore tree in rear garden
2021/01096/TCA	A	Wenvoe Library, Old Port Road, Wenvoe	Work to tree(s) in Wenvoe Conservation Area: To remove part of multi stem field Maple
2021/01098/TCA	A	St. Marys Church, Old Port Road, Wenvoe	Work to tree in Wenvoe Conservation Area: Laurel tree to be trimmed to prevent it from hanging over Walston Road

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 1 SEPTEMBER, 2021

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. ENFORCEMENT ACTION

LAND AND BUILDINGS AT BARRY BIOMASS, WOODHAM ROAD, BARRY

Background

1. This report seeks authorisation to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) in respect of the development which has been undertaken at the Barry Biomass site, in Woodham Road, Barry. The site is located to the north-east of the industrial units along Woodham Road with access off David Davies Road and has undergone extensive re-development to provide the biomass facility.



2. The redevelopment of the site to provide a wood fuelled renewable energy plant has attracted a significant amount of public and media interest which has been evident through both the level of objection which was raised in opposition to the original scheme and the very active public interest and scrutiny that has been given to the development undertaken on site.
3. The Council has investigated a number of complaints that have been received regarding the site since 2016, when the construction of the Biomass facility commenced and initially these related to construction issues including noise, dust, hours of construction and air quality which had been conditioned under

the outline application 2015/00031/OUT. In 2017, a complaint was received that works had commenced on site prior to the determination of planning application 2017/01080/FUL, which had sought a variation to condition 5. of 2015/00031/OUT to include a fire water tank and associated building, as well as the relocation of parking. Following the developer's decision to withdraw that application and to complete the development in accordance with the outline consent (2015/00031/OUT), it became apparent through the complaints that were received and the investigations undertaken including a site inspection in July 2020, that there were a number of discrepancies between the consented scheme and that which had been built. These include differences between the approved layout and elevation plans, the provision of additional structures, plant and equipment and the extension of the site to the north.

4. Correspondence was sent to the developer in July 2020 confirming the variances that had been identified with the approved plans and a revised layout plan was submitted by the developer in December 2020 identifying the locations where changes had occurred. Following the receipt of legal advice, the Council wrote to the developer in January 2021, confirming that a Section 73A application should be submitted to regularise the whole development, however the developer has maintained the position that the outline and reserved matters applications (2015/00031/OUT and 2016/00187/RES) have been lawfully implemented and the discrepancies could be remedied through Non-Material Amendment (NMA) or Section 73A applications limited to the individual structures. On 12th May 2021, the developer submitted a retrospective Section 73A application for the fire water tank that has been constructed (2021/00695/FUL), however no further NMA or Section 73A applications have been received for the remaining structures which therefore remain unauthorised. The developer was contacted again on 9th, 12th, and 16th August 2021 regarding the performance testing that has recently been undertaken and advised that the current facility was considered to be unauthorised and in the absence of the development being fully regularised, it was likely that enforcement action would be taken to stop the facility from becoming fully operational. Despite protracted correspondence with the developer and their initial acceptance of the differences with the scheme that had been approved, the existing development has however failed to be regularised.
5. It has been confirmed by NRW that an environmental permit is in place which enables the developer to commence operations and performance testing has also recently been undertaken in preparation for the continuous operation of the facility. In the absence a fully consented scheme against which enforcement action could be pursued in respect of breaches of necessary and important conditions, it is the Council's view that it would be expedient to take action at this stage to prevent the possibly unauthorised development from becoming fully operational and potentially lawful. It is therefore considered that such action is expedient in order to protect the Council's position in relation to any further enforcement action that may be required to control the development through the imposition of the necessary conditions and thereby safeguard residential amenity and public safety in the future.

6. Alongside the Council's investigation of complaints regarding the site, a separate but related issue has been raised in relation to whether an Environmental Impact Assessment (EIA) was required for the development undertaken at the Biomass site. At the time the outline application 2015/00031/OUT was under consideration, the Council screened the proposed development and concluded that EIA was not required. Following a request made by a third party to the Welsh Government for a screening direction to be made which would have required the submission of an EIA, the Welsh Government also concluded that a screening direction and EIA, was not required. In response to further queries that have been raised, a review of previous planning consents, together with the voluntary Environmental Statement submitted by the developer has been undertaken by the Welsh Government. As a result, the Welsh Government has issued an interim decision dated 29th July 2021 (see **Appendix A**) which has concluded that the development approved under 2015 outline planning permission is Schedule 1 development and should have been subject to EIA. It has also been concluded that as a result of the environmental assessment work already undertaken, the plant is not likely to have significant effects on the environment during the four months while the EIA process is carried out and it would not therefore be expedient for the Welsh Government to order discontinuance of the use of the plant. It has also been confirmed that applications made under Section 73 of the Town and Country Planning Act 1990 (applications to develop land without complying with previous conditions) should be assessed as a change to the main development, however any application would need to assess whether the development as changed would have a significant adverse effect on the environment. It has also been confirmed that the Welsh Government's next steps are to undertake public consultation on the environmental statement provide by the developer.
7. The Welsh Government has confirmed that this decision does not relate to the planning merits of the continued use of the plant but relates only to the issue of suspending operations whilst EIA is undertaken. Whilst the conclusions reached are considered to have potential implications on the Council's determination of any further application seeking to regularise a change to the existing development, it is not considered that the Welsh Government's decision not to pursue discontinuance action should affect the Council's decision in respect of enforcement action, the purpose of which would be to secure control over the long-term operation of the plant in the interest of public safety and amenity.

Details of the Breach

8. The first application for the erection of a new industrial building and installation of a 9MW wood fuelled renewable energy plant was received by the Council in September 2008 and was refused on 31st July 2009, however that decision was overturned on appeal to the Welsh Government and planning permission was granted on 2nd July 2010 (2008/01203/FUL).

9. This decision was not however implemented and an outline application was subsequently made in February 2015 for a wood fired renewable energy plant, which was approved on 31st July 2015 (2015/00031/OUT) . A plan of the approved site layout is provided below:

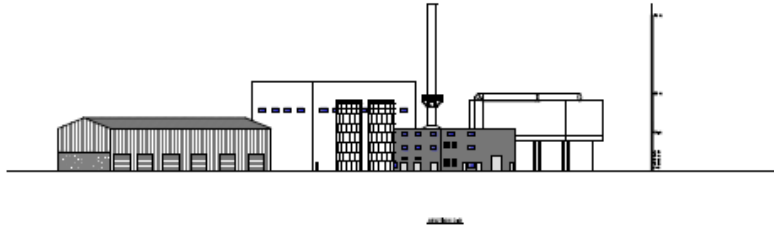


10. The outline permission was approved as it was concluded that the proposal would represent a sustainable renewable energy proposal which would comply with national and local planning policies, whilst also satisfactorily protecting the interests of local residential and visual amenity and highway safety, whilst no compromising other material consideration. The consent was subject to a number of conditions which were designed to control both the construction and the future operation of the facility including condition 5. (implementation of registered plans as well as air quality and waste planning assessment) 6. (management of fly ash and bottom ash waste), 11. (scheme to control dust within site and locality), 12. (details of lighting and light spillage), 21. (noise survey and potential mitigation) 22. (limitation on wood waste treated), 23. (limitation on waste wood processing), 24. (restriction on deliveries), 25. (restriction on noise) 26. (no open storage) 29. (Green Travel Plan) 30. (doors to feedstock building to remain closed except for deliveries) and 31. (air quality monitoring).
11. A reserved matters application for the approval of the landscaping of the development (a requirement of condition 1. of 2015/00031/OUT), was submitted in March 2016 and approved on 29th April 2016 (2016/00187/RES).
12. The current breaches of planning control have arisen as a result of the changes that the developer has undertaken in developing the site and their decision to revert back to implementing the 2015 outline consent (2015/00031/OUT). On implementation of the outline permission, the

developer constructed a fire water tank which was not in accordance with the approved plans and in March 2017, a further planning application was submitted for the installation of a number of additional site services, plant and machinery within the site which were described as ancillary to the renewable power plant approved under 2015/00031/OUT (2017/00262/FUL). At the time these details were submitted, the applicant was advised that as the development was not substantially complete, the changes would amount to a new application for the development as a whole. The applicant's agent confirmed that they would await the substantial completion of the approved development and submit a full application at a later stage for just the additional plant and machinery on the site and the application was subsequently withdrawn in June 2018.

13. A further retrospective S73A planning application was submitted in October 2017 for the variation of condition 5. of planning permission 2015/00031/OUT to include a fire water tank and fire water pump house as well as the relocation of parking resulting from the provision of these two structures (2017/01080/FUL). During the consideration of the application and due to the proposed extension of the site, the question was raised as to whether there was the need for an Environmental Impact Assessment (EIA). On two previous occasions, the Welsh Government had upheld the Council's decision that an EIA was not required, however following re-consultation, the Welsh Government advised in a letter dated 14th February 2018, that they were minded to direct that the development fell within Schedule 1 of the 2017 EIA regulations and that an Environmental Statement was required. The Council also considered that the 2017 proposal may be a Development of National Significance (DNS) and if this was the case, the developer would need to submit their application to the Welsh Government for determination. The applicant therefore determined that they would continue to implement the 2015 planning permission (2015/00031/OUT) by dismantling and removing the water fire tank and re-aligning the site boundary in the location of the car park. The application was therefore withdrawn on 9th February 2020 and the fire water tank subsequently removed from the site.
14. As a result of queries received regarding the appearance of the facility that had been constructed and additional structures provided within the site, a review of the 'as-built' development with the approved scheme was undertaken. Following a site inspection undertaken in July 2020, it was identified that a number of discrepancies existed between the approved development and that which has been built and 3 areas have been identified where a breach of planning control is considered to have occurred:
 - (i) Discrepancy between the Approved Elevation and Site Layout Plans
15. The most significant discrepancy identified was that the approved elevations are a 'mirror image' of what was shown on the approved layout plan so the development is shown the wrong way round on the elevation plan to what is shown on the approved layout and what has been constructed on site. So in the example below, the 2 cylindrical towers are shown to be on the south-west

elevation plan, however as shown the photograph, these towers are located on the north-east elevation.

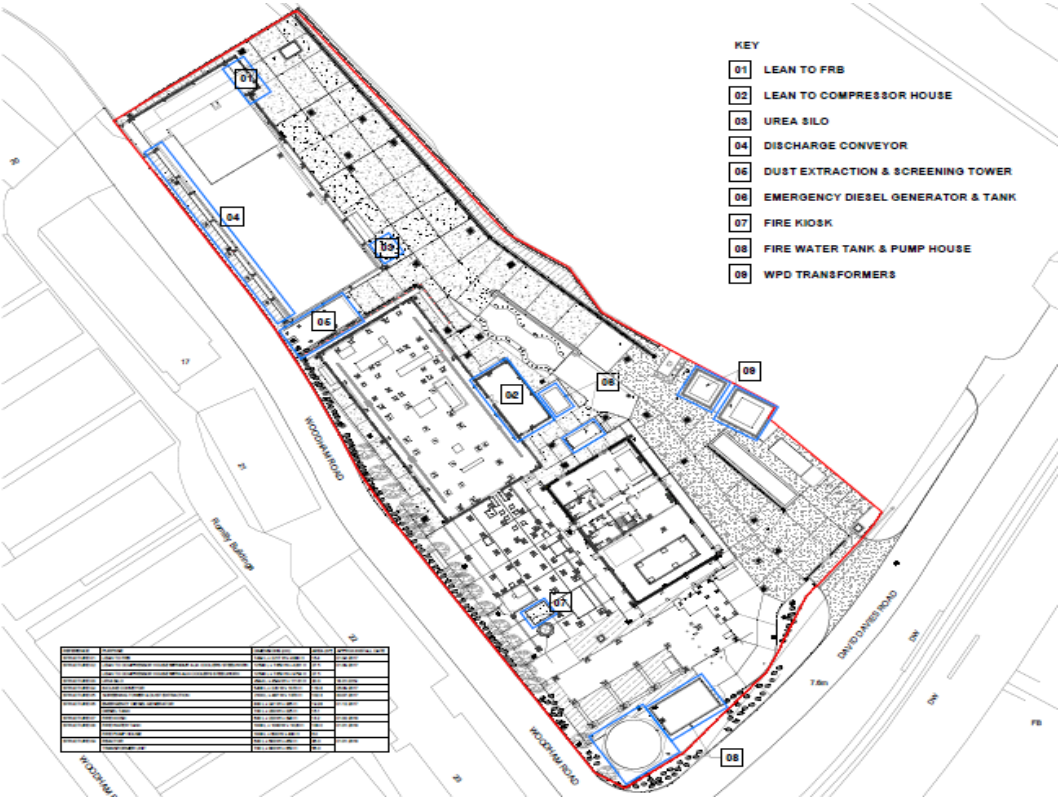


16. It is understood that this was a technical error which resulted in them appearing as a 'mirror image' of what was proposed and it is important to note that the development undertaken is considered to be visually acceptable in relation to the outline consent granted, however the development that has been constructed does not accord with the elevation plans that were approved for the outline application 2015/00031/OUT and therefore needs to be regularised. It is possible that this position could potentially be resolved through the submission of a 'Non-Material Amendment' (NMA) application,

however the developer has made no such application to regularise this position.

(ii) Additional Plant and Equipment

17. During the investigation, it was also identified that there were a number of structures that had been constructed at the site which were considered to be at variance with the approved scheme including plant and equipment and the developer has submitted the following plan which identifies, outlined in blue, the locations where these changes have occurred.



18. Further details have also been provided by the developer in respect of the dimension and function of the structures and the plant which are detailed below, together with what mechanism that exists for their regularisation. In determining the need for planning permission, the Council has considered whether each of the structures / plan constituted 'permitted development' under Part 8, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) which enables extensions and alterations to industrial development to be undertaken subject to certain criteria without requiring planning permission. However, in most cases, as the structures have been provided during the course of developing the site and were therefore built as part of one continuous building operation, rather than being the extension of a substantially constructed building, they were not considered to constitute an 'extension', or therefore constitute 'permitted development'.

Item 01 – Lean to FRB



19. This a lean-to structure located on the north-east elevation towards the rear of the building shown within the centre of the above photograph. The developer has confirmed the dimensions as 7434 L x 2217 W x 4000 H (area 16.4 sqm) and that the structure and the plant within was installed on 01.04.2017 and is not fundamental to the operation of the development.
20. It is considered that 'permitted development' rights do not apply to this structure as it is part of a single building operation, rather than an extension, however the potential mechanisms for regularising this development are available either under Section 96A (non-material amendment) or Section 73A (planning permission for development already carried out) of the Town and Country Planning Act 1990, subject to whether the Council considers the change to be 'non-material' or not.

Item 02 – Lean-to Compressor House with Plant Above



21. This structure is also located on the north-east elevation located centrally within the site and within the centre of the above photograph. The developer has confirmed the dimensions as 12508 L x 7350 W x 4231 H or 9754 if auxilliary coolers are included (area 27.5 sqm). It was installed on 01.09.2017 and the structure houses air compressors that can no longer fit in the main building.
22. It is considered that 'permitted development' rights do not apply to this structure as it is part of a single building operation, rather than an extension. The potential mechanisms for regularising this development are available under Section 73A (Planning permission for development already carried out) of the Town and Country Planning Act 1990.

Item 03 – Urea Silo



23. This cylindrical structure is also located on the south-west elevation located centrally within the site and just off the centre (right) of the above photograph. The developer has confirmed the dimensions as 4544 L x 4544 W x 11131 H (area 20.3 sqm) and the silo was installed on 18.01.2019. The developer has confirmed that the silo contains urea which is mixed to provide a solution that is used in the combustion process. The plant could be operated without it, however this would require the regular delivery of pre-mixed urea by tankers which reduces efficiency.

24. It has been confirmed that this structure is under 15m in height and the permitted development 'test' would be whether this materially affects the external appearance of the premises (Part 8, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) refers). However, legal advice on such matters has stated that Permitted development rights do not apply if the existing operations to which they relate are unlawful themselves.

Item 04 – Discharge 'Incline' Conveyor



25. This structure is also located on the north-east elevation located diagonally and just off the centre (left) of the above photograph. The developer has confirmed the dimensions as 5400 L x 220 W x 1370 H and that this was installed on 26.09.2017. The developer has maintained that this conveyor is shown on the approved layout plan and therefore forms part of the development authorised by the outline planning permission. It has also been confirmed that the as-built conveyor connects to Structure 5, whereas on the approved layout plan, it connects to the main process building. The developer has advised that it should have been understood that a conveyor was needed to transfer the feedstock to the gasifier and the Planning Statement submitted with the application also included a photograph of another plant which included an external conveyor, identical to that erected.
26. Whilst it has been maintained by the developer that this structure has been 'authorised in principle' and the location of this structure is outlined on the approved layout plan, it now connects to a different building and there are no elevation details approving its size, dimensions or appearance. It is considered that 'permitted development' rights cannot in any case apply to this structure as it is part of a single building operation, rather than an extension. It is also considered that this structure materially affects the appearance of the

building. The mechanism for regularising this development is available under Section 73A (Planning permission for development already carried out) of the Town and Country Planning Act 1990.

Item 05 – Screening Tower and Dust Extraction



27. These structures are located on the south-west elevation located centrally within the site and immediately to the right of the conveyor on above photograph. The developer has confirmed the dimensions as 2100 L x 487 W x 1370 H (area 102.3 sqm) and the structures were installed on 30.07.2017. The developer has confirmed that the structure screens oversize and metal products from the fuel stream. The structure is not essential to the operation of the plant and fuel could be screened off site, however it is less economic to do so.
28. It is considered that 'permitted development' rights cannot in any case apply to this structure as it is part of a single building operation, rather than an extension.
It is considered that this structure materially affects the appearance of the building. The mechanism for regularising this development is available under Section 73A (planning permission for development already carried out) of the Town and Country Planning Act 1990.

Item 06 – Emergency Diesel Generator and Diesel Tank



29. These structures are also located on the north-east elevation located centrally within the site and immediately in front of the lean-to compressor house. The developer has confirmed the dimensions as 800 L x 241 W x 285 H (area 19.28 sqm) and tank 700 L x 230 W x 225 H (area 16.1) and that the structures were installed on 01.12.2017. The developer has confirmed that the approved layout plan included a room which was originally intended to house the generator and tank however during the development, they have been located a few metres away from the building. It has also been confirmed that the emergency equipment would provide essential back-up to bring the plant to a safe condition in the event of a mains electricity back-out.
30. Whilst it has been maintained by the developer that this structure is 'authorised in principle' and it was shown within a building on the approved layout plan, the current structure is not clearly identified on the plans and there are no elevation details approving its size, dimensions or appearance. It is considered that 'permitted development' rights cannot apply to this structure as it is part of a single building operation, rather than an extension. the potential mechanisms for regularising this development are available either under Section 96A (non-material amendment) or Section 73A (planning permission for development already carried out) of the Town and Country Planning Act 1990, subject to whether the Council considers the change to be 'non-material' or not.

Item 07 – Fire Kiosk



31. This structure is also located on the north-east elevation and the rectangular structure with double doors shown centrally within the above photograph. The developer has confirmed the dimensions as 600 L x 220 W x 290 H (area 13.2 sqm) and that the structure was installed on 01.02.2018 and houses valve sets necessary to distribute fire water to the deluge system.
32. It is considered that 'permitted development' rights cannot in any case apply to this structure as it is part of a single building operation, rather than an extension, the potential mechanisms for regularising this development are available either under Section 96A (non-material amendment) or Section 73A (planning permission for development already carried out) of the Town and Country Planning Act 1990, subject to whether the Council considers the change to be 'non-material' or not

Item 08 – Fire Water Tank and Pump House



33. These structures are located in the southern corner of the site and comprise the cylindrical tank and adjacent rectangular building (to the right) within the above photograph. The developer has confirmed the dimensions of the tank as 1000 L x 1000 W x 1020 H (area 100 sqm) and the pumphouse as 1000 L x 600 W x 400 H (area 6 sqm) and was installed on 01.01.2018. The structure houses fire water as specified by the fire prevention plan that forms part of the environmental permit and pumping equipment.
34. It is considered that 'permitted development' rights do not apply to these structures as they are part of a single building operation, rather than an extension. It is considered that this structure materially affects the appearance of the building however the mechanism for regularising this development is available under Section 73A (planning permission for development already carried out) of the Town and Country Planning Act 1990.
35. On 12th May 2021, a retrospective (S73A) planning application for the erection and use of a cylindrical fire water tank has recently been submitted by the developer and is currently under consideration by the Council (2021/00695/FUL). The Council initially determined that due to the number of discrepancies between the development approved under planning permission 2015/00031/OUT and that which had been constructed which had not been regularised, applications to regularise these matters would effectively be consenting a 'generating station' and these should be considered as Developments of National Significance, the application was not validly made. Whilst the Planning Inspectorate subsequently determined that as the application related only to a fire water tank, the Council's reason for not validating it did not constitute a validation requirement, it was confirmed that its determination did not prevent the Council from requesting an Environmental Statement, (ES) if this was considered to be required. The Council has therefore sought clarification whether an ES is intended to be submitted on the basis that the Welsh Government is of the view that the development in its entirety is Schedule 1 development and the EIA threshold for any change to or extension of development listed in Schedule 1 is whether 'the development as changed or extended may have significant adverse effects on the environment'.

Item 09 – WPD Reactor and Transformer Unit



36. This reactor and transformer unit are located adjacent to the north-eastern boundary of the site and comprise structures erected by Western Power Distribution on 01.01.2018. It is considered that these are likely to fall within the permitted development rights set out in Part 17, Class G of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) relating to statutory undertakers and therefore no planning permission is required.

(iii) Extension of Site to the North



37. The land which is located immediately north of the site shown in the photograph above has been used throughout the construction phase and now continues to be open to the main site and is being used for storage containers

and a vehicle turning space. This does not form part of the application site that was granted permission, however it has not been confirmed whether it is the developer's intention to regularise this use through the submission of a full application for planning permission or cease the use of this site.

Action Pursued to Date

38. Following the site inspection undertaken in July 2020, a significant exchange of correspondence has been undertaken with the developer in an attempt to regularise the position. Correspondence was sent in July 2020 confirming that as a result of the review that had been undertaken, a number of variances had been identified, including that the approved elevation plans appeared to be a 'mirror image' of the approved layout plans and the other equipment and structures that had been erected on site. In view of the nature and size of those variances, the developer's views were sought on the position, however it was advised that the Council was also seeking legal advice on the implications of the differences.
39. Following the submission of a revised site layout plan by the developer in December 2020 which had identified (outlined in blue), the locations where the changes had occurred, the developer was advised that following the legal advice the Council had received, it was considered that a number of the discrepancies, including the 'mirror image' elevation plans and certain items including 01 (Lean-to FRB) and 07 (Fire kiosk) could potentially be dealt with through the Non-Material amendment (NMA) procedure, if the Council concluded that the change was 'non-material'. It was confirmed that in relation to the other items including 02 (Lean-to Compressor House and Plant), 04, (Discharge Conveyor) 05 (Screening Tower and Dust Extraction) and 08 (Fire Water Tank and Pump House), it was very unlikely that these could be dealt with through the NMA procedure as they were highly visible from outside of the site and due to their size. It was confirmed that where discrepancies could not be regularised through NMA applications, an application under Section 73A could be applied for.
40. The Council therefore wrote to the developer on 12th January 2021 to advise that the legal advice it had received supported the view that a Section 73A application should be submitted to regularise the entire development. It was explained that whilst technically it may be possible for certain discrepancies to be regularised through the Non-Material Amendment (NMA) procedure, there was no guarantee that any such application would be approved and there was also no right of appeal against any refusal of permission. It was advised that a Section 73A application for the whole development would need to be made to the Welsh Ministers as a Development of National Significance, however this was considered to represent the most sensible way forward as it would enable all of the identified discrepancies to be considered together and for the unauthorised development to be regularised without further delay.
41. It was also confirmed that in the absence of a valid planning permission, the Council effectively would have no control over the development or its operation, which was considered to be unacceptable given the nature of the development

and level of public interest. It was confirmed to the developer that if they decided against this course of action, it was likely that enforcement action would be taken to require that all development cease and all structures to be removed from the land.

42. The developer responded on 15th January 2021 confirming that they were seeking their own legal advice, however it was maintained that both the outline application 2015/00031/OUT and the reserved matters application 2016/00187/RES had both been lawfully implemented and pre-commencement conditions had been discharged, prior to the lawful implementation for the development in 2016. It was confirmed that they understood the discrepancies to consist of 9 ancillary structures and an error on the plans, however they considered that any planning irregularities could be capable of being remedied at a local level, without the need for a Section 73A application. The developer suggested that given the existence of planning permission and nature of the discrepancies identified, it was not considered expedient, reasonable or proportionate to remove all of the structures from the land, however they wished to resolve matters.
43. A response was sent by the Council on 19th January 2021 requesting a date when remedial action would be taken to resolve the identified breaches. It was advised that in the absence of planning permission, the development remained unauthorised and, in such circumstances, it would be expedient to take enforcement action, particularly if it was the developer's intention for the facility to become operational. The developer was therefore requested to provide a timely resolution to avoid the need for formal enforcement action to be taken.
44. The developer's response on 17th February 2021 advised that the project had been 'developed substantially in accordance with planning permission 15/00031/OUT and reserved matters approval 2016/00197/RES' and following the discharge of pre-commencement conditions, the development was therefore authorised by a lawfully subsisting and implemented planning permission. The developer advised that the Council could not compel a Section 73A application to be made and that there was no need for an application to regularise the whole development, and none would be made. It was advised by the developer that only six of the structures merited any further consideration as it was claimed that Item 04 (Discharge 'Incline' Conveyor) and Item 06 (Emergency Diesel Generator and Diesel Tank) were authorised in principle by the planning permission. Of the six remaining structures, it was claimed that four were non-essential to the operation of the development (Item 01 (lean to FRB) Item 02 (Lean-to Compressor House with Plant Above) Item 03 (Urea Silo) and Item 05 (Screening Tower and Dust Extraction. It was also confirmed that Items 07 (Fire Kiosk) and 08 (Fire Water Tank and Pump House) related to fire prevention and were necessary to comply with the environmental permit and insurance requirements, however the developer considered that within the context of the development as a whole, were arguably non-material.
45. In the developer's opinion, the starting point was the outline planning permission as it was maintained that by comparing the approved layout plan and as-built plan, the six structures had no significant environmental impacts

and did not invalidate the assessments previously considered by the Council. It was also confirmed that an updated environmental statement would shortly be submitted to the Welsh Government confirming that there were no significant environmental effects arising from the development that had not already been satisfactorily mitigated by the outline planning permission (2015/00031/OUT). It was also confirmed by the developer that all of the issues were capable of being addressed through NMA applications or a retrospective Section 73A application limited to individual structures. There was therefore, in the developer's opinion, no need for a section 73A application and it would not be expedient to take enforcement action in respect of the development as a whole, which would be vigorously defended and costs applied for if the Council decided to commence such action.

46. As identified above on 12th May 2021, the developer submitted a retrospective Section 73A application for the erection and use of a cylindrical fire water tank (2021/00695/FUL). Following the receipt of the recent interim decision from the Minister, the Council has written to the developer to ask whether it is their intention to submit an Environmental Statement. At the time of writing this report, no response had however been received to this question and no further NMA or Section 73A application had been received in relation to any of the remaining structures.
47. At the beginning of August, the Council was made aware of a 'letter to residents' dated 28th July 2021, that had been recently posted on the Barry Biomass website. The letter referred to the voluntary retrospective Environmental Impact Assessment (EIA) that was submitted to the Welsh Government by Biomass UK No. 2 Ltd and that the Welsh Government were intending to carry out a public consultation on the EIA later in the year. It was also confirmed however that 'after a period of voluntary downtime, Biomass UK No. 2 now intends to resume performance testing in August 2021'. The developer was therefore requested on 6th August 2021 to confirm what the proposed performance testing consisted of and whether the details of the testing was included within the EIA submitted to the Welsh Government. It was also confirmed that it was not considered that the development as constructed had the benefit of planning permission and had not been regularised and therefore, if further performance testing resumed, the Council would need to consider whether it would be expedient to issue a Temporary Stop Notice, which would require the performance testing to immediately cease.
48. On 9th August 2021, the Council received confirmation from NRW that Biomass No. 2 Ltd had notified them of their intention to start up their operations and it was confirmed that with their environmental permit in place, the developer would be allowed to commence operations covered by the permit.
49. The developer was therefore contacted on 9th August 2021 regarding the notification that had been received from NRW and advised that the existence of a permit from NRW did not authorise the starting up of the facility, which

was considered by the Council to remain unauthorised and therefore, any further activity at the site remained at risk of enforcement action.

50. On 9th August 2021, the developer confirmed that the voluntary Environmental Statement considered by the Minister for Climate Change and referred to in her letter dated 29 July 2021, had assessed the as-built scheme. They understood that the Welsh Government intended to publish the voluntary Environmental Statement next month for public consultation and were checking to see whether a copy of the statement could be shared with the Council in advance. It was confirmed that in their letter of 17 February 2021, they had identified the differences between the as-built scheme and the approved drawings and the six differences had no significant environmental impacts, which had been confirmed by the Welsh Minister.
51. Their letter had also explained that the differences between the approved plans and the as-built scheme and did not materially impact on the development and suggested that the differences were capable of being addressed through non-material amendment applications, PD Rights or individual Section 73A applications. It was confirmed by the developer however that given that the Council had been 'resistant to receiving NMA applications to regularise the differences (and has sought to obstruct the s.73A submitted to regularise the fire water tank)' no further applications had been submitted and they did not consider them to be necessary in view of the non-materiality of the differences they had identified. Furthermore, in the absence of any serious harm to amenity, public safety or the environment attributable either to the differences or the development as a whole (a view which the developer considered was supported by the Welsh Minister), they did not consider it expedient for the Council to take enforcement action to stop operations and to do so would cause them to incur significant costs.
52. In the Council's response on 12th August 2021, it was advised that confirmation had been received that performance testing had been taking place. It was confirmed however that as the development undertaken did not accord with the outline consent and the discrepancies identified had failed to be regularised, the current facility was considered to constitute unauthorised development. In previous correspondence, the developer had confirmed that all of the 'differences between the Approved Layout Plan and the as-built scheme' were capable of being addressed through either non-material amendment applications or retrospective S73A applications. However with the exception of the recently submitted S73A application for the fire water tank (2021/00695/FUL), none of the remaining items /structures had been regularised and the as-built scheme therefore remained at variance with that approved under the outline application 2015/00031/OUT. The developer was also asked to confirm how, in the absence of any planning consent which regularised the remaining unauthorised structures, the means by which the development as constructed, had become regularised.
53. It was also confirmed that the Council had received a copy of the letter dated 29 July 2021 from the Minister for Climate Change to the Docks Incinerator Action Group (DIAG) and whilst the Minister's conclusions were

acknowledged, the voluntary Environmental Statement had not been submitted to the Council and it had not therefore been confirmed whether this covered the approved or as-built scheme. The Council identified that it had been corresponding for some time regarding the need to regularise the unauthorised structures and whilst there had been some disagreement over the way in which these could be regularised, the need for regularisation had not been disputed.

54. Finally, it was confirmed that until such time as the as-built development has been fully regularised, it was the Council's view as the enforcing authority, that it may be expedient to stop the development from becoming fully operational in order to protect its position in relation to any further enforcement action that may be required in the future.
55. In their response sent on 13th August 2021, the developer confirmed their understanding that the Welsh Government intended to publish the voluntary Environmental Statement in the next month for public consultation and were checking whether a copy could be shared in advance. They advised that within the context of the outline planning permission, the six differences under scrutiny had no significant environmental impacts which had been confirmed in the recent conclusions of the Welsh Minister. Whilst they had suggested that the differences were capable of being addressed through non-material amendment applications, or individual section 73A applications, the Council had recommended a comprehensive s.73A application for the entire development. It was advised that as the Council had been 'resistant to receiving NMA applications to regularise the differences', no further applications had been submitted and they did not consider them to be necessary in view of the non-materiality of the differences concerned. In the absence of any serious harm to public safety or the environment attributable either to the differences or the development as a whole (a view which was supported by the Welsh Minister), they did not consider that it would be expedient for the Council to take enforcement action to stop operations and would cause them significant costs.
56. The developer confirmed that if the Council's position had changed and it would be willing to receive NMA applications then they would be willing to discuss this further, however there seemed little point in ProjectCo submitting applications if they were 'only going to obstructed by the Council'. It was maintained that the plant did benefit from a lawfully implemented planning permission authorising operations and that four out of six of the differences under scrutiny were non-essential to operations but increased efficiency and the remaining two related to fire safety and increased public safety.
57. A response was sent by the Council on 16th August 2021 confirming the fact that the Welsh Government had reached the conclusions it had in relation to the voluntary ES, did not mean that the differences did not need to be regularised through a further planning application. It had previously been confirmed that the differences between the approved and as-built schemes were more than 'de minimis' and whilst these are capable of being addressed through Section 73A, none had been regularised. It was also confirmed that

the need to regularise the development undertaken was not dependent on the non-materiality (or otherwise) of the identified differences. It was also confirmed that the main concern of the Council was that no application had been made for the development with the differences identified by both parties and as such, there remained a very real risk that the development, as a whole, was not formally authorised by the 2015 permission. Irrespective of the conclusions reached in relation to the voluntary Environmental Statement submitted to the Welsh Government, it was advised that the situation must be resolved either by the submission of formal applications or by enforcement action, which would hopefully end in the submission of the correct applications.

58. As identified above, the Council has been in correspondence with the developer throughout the construction period and has explained the need to regularise the full extent of the changes that were confirmed last year. Whilst the developer has previously indicated that they would be prepared to regularise the development, only one planning application seeking to regularise the fire water tank has since been received and there remains a number of other structures within the site that need to be regularised. In light of the developer's most recent correspondence which indicates that there is no intention to submit any further applications, it has been concluded that the existing development will remain unauthorised. The Council considers that this position is unacceptable because in the event that the existing unauthorised development becomes lawful over time, the Council would then be unable to enforce any of the planning conditions attached to the outline planning consent 2015/00031/OUT, which were designed to ensure that the plant was able to be monitored and controlled in the future. Without the ability to do this, it is considered that the development is unacceptable and there is therefore no alternative open to the Council but to take enforcement action to secure the cessation of the performance testing and removal of the plant.
59. In reaching this conclusion, the Council has taken account of the fact that the developer would incur costs in suspending operations and removing the plant which would be a requirement of any enforcement notice issued, however the developer has been aware that the development was at risk of enforcement action since the beginning of the year and has not resolved the position. It has been noted that the interim decision recently published by the Welsh Government considered that the plant was not likely to have significant effects on the environment while the EIA process was carried out. On that basis, it was concluded that it would not be expedient to issue a discontinuance order, as the benefits of suspending operations while undertaking EIA did not outweigh the costs. It is however considered that the interim decision of the Welsh Government is based on entirely different short-term circumstances, rather than the consequences of the Council not having any control over the future operation of the development, which could have a significant long-term effect on the environment and public health, the mitigation for which would outweigh any costs involved.

Planning History

60. The site benefits from the following planning history:

2021/00695/FUL : Barry Biomass Facility, David Davies Road, Barry - A retrospective (S73A) planning permission for the erection and use of a cylindrical fire water tank at its biomass fired renewable energy generation facility at the Barry Docks - Undetermined

2017/01080/FUL : Barry Port Biomass Plant, David Davies Road, Barry - Variation to condition 5 of planning permission 2015/00031/OUT to include fire tank and building as well as relocation of parking - Withdrawn

2017/00262/FUL : Barry port Biomass Plant, David Davies Road, Barry - Erection of the following site services, plant and machinery: (1) Reception Building Conveyor Cover; (2) Reception Building Power Packs; (3) Reception Building Conveyor Cover; (4) Reception Building Conveyor Screening Tower Structure; (5) Fire System Control Kiosks x 6; (6) Fire Water Tank; (7) Fire Water Pump House; (8) ACC Ancillary Equipment Structure; (9) Emergency Generator; (10) Diesel Tank and (11) Process Building Plant Room With Ancillary Air Blast Coolers – Withdrawn

2016/00187/RES : Biomass UI No.2 Limited, David Davies Road, Barry - Approval of the landscaping of the development condition 1 of the outline 2015/00031/OUT – Approved 29/04/2016

2015/00031/5/CD : Barry Port Biomass Plant, David Davies Road, Barry - Conditions 5, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25 & 29 of Planning Application 2015/00031/OUT - Discharged

2015/00031/4/CD : Barry Port Biomass Plant, David Davies Road, Barry - Outline application for a wood fired renewable energy plant. - Withdrawn

2015/00031/3/CD : Barry Port Biomass Plant, David Davies Road, Barry - Discharge of Conditions 11, 12, 20 and 29. - Withdrawn

2015/00031/2/CD : Barry Port Biomass Plant, David Davies Road, Barry - Discharge of Condition 13-Sustainable Drainage - Withdrawn

2015/00655/FUL : Land off Woodham Road, Barry - Erection of a new industrial building and the installation of a 9mw wood fuelled renewable energy plant - Undetermined

2015/00031/OUT : David Davies Road, Woodham Road, Barry - Outline application for a wood fired renewable energy plant - Approved 31/07/2015

2014/01065/NMA : Land at Woodham Road, Barry - Modification to Sunrise Renewables planning permission 2008/01203/FUL - Withdrawn 30/10/2014

2010/00240/FUL : Land off Woodham Road, Barry - Erection of new industrial building and installation of 9MW wood fuelled renewable energy plant - Withdrawn 20/04/2010

2008/01203/FUL : Land at Woodham Road, Barry - Erection of new industrial building and installation of 9MW fuelled renewable energy plant - Refused 31/07/2009

2008/00828/SC1 : Land at Woodham Road, Barry Docks - Proposed industrial building and installation of 9MW Biomass Gasification Plant to generate electricity from reclaimed timber - Environmental Impact Assessment (Screening) - Not Required 14/08/2008

1987/00821/FUL : Woodham Way, Barry Docks - Construction of plant store - Approved 17/11/1987

1985/00574/FUL : Woodham Road, North Side, No. 2 Dock, Barry - The land will be enclosed by a security fence and used for the storage of car trailers, such as touring caravans, boats etc. – Approved 23 July 1985.

1984/00348/FUL : Woodham Road, No. 2 Dock, Barry Docks, Barry – Proposed fenced off compound for the purpose of storage and distribution of solid fuel -Approved 17 May 1984.

1984/00214/FUL : Woodham Road, No. 2 Dock, Barry - Erection of a security fence around the plot of land which will be used for the storage of caravans. Approved 1 May 1984.

Policy and Guidance

61. Welsh Government advice on the enforcement of the planning control is found in the Development Management Manual (Revision 2, May 2017). It states that, '*When considering enforcement action, the decisive issue for the LPA should be whether the unauthorised development would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.*'

Local Development Plan:

62. 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 SP8 – SUSTAINABLE WASTE MANAGEMENT
POLICY SP9 – MINERALS

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

POLICY MD7 - ENVIRONMENTAL PROTECTION

POLICY MD16 – PROTECTION OF EXISTING EMPLOYMENT SITES AND PREMISES

POLICY MD19 - LOW CARBON AND RENEWABLE ENERGY GENERATION

POLICY MD20 - ASSESSMENT OF WASTE MANAGEMENT PROPOSALS

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

Future Wales: The National Plan 2040:

64. Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process.

Planning Policy Wales:

65. National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the matters considered in this report.
66. 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.
67. 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
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)
- Supporting Infrastructure
- Managing Settlement Form –Green Wedges

Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)

- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

Technical Advice Notes:

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

- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 21 – Waste (2017)
- Technical Advice Note 23 – Economic Development (2014)

Supplementary Planning Guidance:

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

- Renewable Energy (March 2019)
- Sustainable Development (2006)

Welsh National Marine Plan:

70. National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this authorisation. 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. The following chapters and sections are of particular relevance in the assessment of this authorisation:

- Living within environmental limits
 - Maintain and enhance the resilience of marine ecosystems and the benefits they provide in order to meet the needs of present and future generations.
- Promoting Good Governance
 - Support proportionate, consistent and integrated decision making through implementing forward-looking policies as part of a plan-led, precautionary, risk-based and adaptive approach to managing Welsh seas.
- Using Sound Science Responsibly
 - Develop a shared, accessible marine evidence base to support use of sound evidence and provide a mechanism for the unique

characteristics and opportunities of the Welsh Marine Area to be better understood.

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 11/99 – Environmental Impact Assessment
- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

Well Being of Future Generations (Wales) Act 2015:

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

Reasons for Serving an Enforcement Notice

72. Planning permission was granted for the redevelopment of the site to provide a wood fuelled renewable energy plant under outline planning permission 2015/00031/OUT. Despite a significant level of local opposition, the outline permission was approved as it was concluded that the proposal would represent a sustainable renewable energy proposal which would comply with national and local planning policies, whilst also satisfactorily protecting the interests of local residential and visual amenity and highway safety. In order to ensure that the development was acceptable, a number of planning conditions were imposed which were designed to control both the construction and the future operation of the facility. These included measures to control issues such as air quality, waste management, the control of dust within the site and locality, light spillage, noise mitigation, deliveries and open storage and without such controls, it was considered that the development would have been unacceptable. A reserved matters application was approved for the approval of the landscaping of the development (2016/00187/RES) and the pre-commencement conditions for the scheme have been discharged.
73. Whilst the Council has investigated a number of complaints that have been received regarding the site since 2016, which initially related to construction issues including noise, dust, hours of construction and air quality, the investigation of more recent complaints has identified a number of

discrepancies between the consented scheme and that which had been built including differences between the approved layout and elevation plans, the provision of additional structures, plant and equipment and the extension of the site to the north. Despite protracted correspondence with the developer and their initial acceptance of the differences with the scheme that had been approved, the existing development has failed to be regularised, which could affect the Council's ability to take enforcement action in the future if the unauthorised development were to become lawful.

74. It is considered the retention and operation of the plant without the ability to take enforcement action in the future could have a significant and irreversible adverse impact on the local environment and affect residential amenity and highway safety. The unauthorised development is therefore considered to conflict with strategic policies SP1 (Delivering the Strategy) and SP8 (Sustainable Waste Management), and the wider principles of managing new development set out in policies MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD16 (Protection of Existing Employment Sites and Premises), MD19 (Low Carbon and Renewable Energy Generation) and MD20 (Assessment of Waste Management Proposals). These breaches are also considered to conflict with the principles of sustainable development set out in PPW Edition 11 (2021), , Technical Advice Note 11 (Noise), Technical Advice Note 18 (Transport) and Technical Advice Note 21 (Waste) and Technical Advice Note 23 (Economic Development).
75. The appropriate marine policy documents have been taken into account in the consideration of this authorisation in accordance with Section 59 of the Marine and Coastal Access Act 2009 however at the present time, there is no specific evidence to demonstrate how the development being undertaken on this site would constitute sustainable development or how it would be contrary to the well-being goals within the WNMP.
76. Finally, under the 2015 Act the Council not only have a duty to carry out sustainable development but must also 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 recommending the service of an Enforcement Notice, 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.

Conclusions

77. Whilst planning permission has been granted under outline permission 2015/00031/OUT and reserved matter application 2016/00187/RES for the renewable energy plant it is clear from the investigations undertaken that not only are there discrepancies between the approved layout and elevation plans but also that additional structures, plant and equipment have been provided and the site to the north is also being used in association with the plant.

Despite protracted correspondence with the developer, all of the unauthorised development which has been constructed on site has failed to be regularised. This position is unacceptable because in the event that the existing unauthorised development becomes lawful over time, the Council would then be unable to enforce any of the planning conditions attached to the outline planning consent 2015/00031/OUT, which were designed to ensure that the plant was able to be monitored and controlled in the future. Without the ability to do this, it is considered that the development is unacceptable and contrary to policies SP1, (Delivering the Strategy), SP8 (Sustainable Waste Management), MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD16 (Protection of Existing Employment Sites and Premises), MD19 (Low Carbon and Renewable Energy Generation) and MD20 (Assessment of Waste Management Proposals) of the Local Development Plan, PPW Edition 11 (2021) and Technical Advice Notes 11 (Noise), 18 (Transport), 21 (Waste) and 23 (Economic Development). In view of the developer's decision not to regularise the as-built scheme, it is considered that there is no alternative but for the Council but to take enforcement action.

78. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action to secure the cessation of the operation of the plant including performance testing and the removal of the buildings, plant and equipment, including the land to the north.
79. It is considered that the decision would comply with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Resource Implications (Financial and Employment)

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

Legal Implications (to include Human Rights Implications)

81. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
82. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

83. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) Permanently cease the operation of the renewable energy plant, including the carrying out of any performance testing.
 - (ii) Permanently remove the renewable energy plant including all buildings, plant and associated equipment from the land.
 - (iii) Permanently cease the use of the land located to the north for the storage of containers and the parking and manoeuvring of vehicles in association with the renewable energy plant.
 - (iv) Permanently remove the containers and vehicles from the land resulting from the cessation of the use identified in step iii above.
 - (v) Following the taking of steps (ii) and (iv) above, restore the land to its former condition prior to the commencement of development.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) It appears to the Council that the above breach of planning control constituting operational development (construction of the renewable energy plant) has occurred within the last 4 years and the breach of planning constituting the material change of use of the land (extension of land to the north), has occurred within the last 10 years.
- (2) The site is located within the wider coastal area of Barry Docks, to the north-east of existing industrial units on Woodham Road and was previously occupied by a container storage and refurbishment operation. Planning permission was granted for the redevelopment of the site to provide a wood fuelled renewable energy plant under outline planning permission 2015/00031/OUT. Despite a significant level of local opposition, the outline permission was approved as it was concluded that the proposal would represent a sustainable renewable energy proposal which would comply with national and local planning policies, whilst also satisfactorily protecting the interests of local residential and visual amenity and highway safety. In order to ensure that the development was acceptable, a number of planning conditions were imposed which were designed to control both the construction and the future operation of the facility. These included measures to control issues such as air quality, waste management, the control of dust within the site and locality, light spillage, noise mitigation, deliveries and open storage and without such controls, it was considered that the development would have

been unacceptable. A reserved matters application was approved for the approval of the landscaping of the development (2016/00187/RES) and the pre-commencement conditions for the scheme have been discharged.

- (3) Whilst the Council has investigated a number of complaints that have been received regarding the site since 2016, which initially related to construction issues including noise, dust, hours of construction and air quality, the investigation of more recent complaints has identified a number of discrepancies between the consented scheme and that which had been built including differences between the approved layout and elevation plans, the provision of additional structures, plant and equipment and the extension of the site to the north. Despite protracted correspondence with the developer and their initial acceptance of the differences with the scheme that had been approved, the existing development has failed to be regularised, which could affect the Council's ability to take enforcement action in the future if the unauthorised development were to become lawful.
- (4) It is considered the retention and operation of the plant without the ability to take enforcement action in the future could have a significant and irreversible adverse impact on the local environment and affect residential amenity and highway safety. The unauthorised development is therefore considered to conflict with strategic policies SP1 (Delivering the Strategy) and SP8 (Sustainable Waste Management), and the wider principles of managing new development set out in policies MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD16 (Protection of Existing Employment Sites and Premises), MD19 (Low Carbon and Renewable Energy Generation) and MD20 (Assessment of Waste Management Proposals). These breaches are also considered to conflict with the principles of sustainable development set out in PPW Edition 11 (2021), , Technical Advice Note 11 (Noise), Technical Advice Note 18 (Transport) and Technical Advice Note 21 (Waste) and Technical Advice Note 23 (Economic Development).
- (5) 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.

Background Papers

Enforcement File Ref: ENF/2020/0230/M

Contact Officer - Sarah Feist, Tel: 01446 704690

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING



Ein cyf/Our ref MA/LW/2256/21

[REDACTED]
Docks Incinerator Action Group

[REDACTED]

29 July 2021

Dear [REDACTED]

1. In 2017 you asked the Welsh Government, on behalf of the Docks Incinerator Action Group (DIAG), for the need for Environmental Impact Assessment (EIA) to be reviewed in relation to the development by Biomass No.2 UK Ltd. at Barry Dock in the Vale of Glamorgan
2. Since then, DIAG have raised many points about the need for Environmental Impact Assessment (EIA) in general and about specific aspects of this case. I have considered all the representations made, which have informed my consideration of this case below.

The development

3. Outline planning permission for a wood-fired renewable energy plant was granted by Vale of Glamorgan Council on 31 July 2015 (reference number 2015/00031/OUT).
4. Planning application (reference number 2017/01080/FUL) was subsequently made under section 73 of the Town and Country Planning Act 1990 ("the 1990 Act"). This was an application to vary a condition attached to planning permission 2015/00031/OUT enabling the addition of a fire water tank and relocation of parking.

The requirement for EIA

5. The EIA Regulations transpose European Directive 2011/92/EU, as amended in 2014 by Directive 2014/52/EU ("the EIA Directive") on the assessment of the effects of certain public and private projects on the environment in relation to town and country planning.
6. The EIA Directive requires an EIA to be carried out before consent is given to development likely to have significant effects on the environment by virtue, inter alia, of its nature, size or location.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

7. The projects to which the EIA Directive applies are set out in Schedules 1 and 2 to the EIA Regulations. Development which falls within a project description set out in Schedule 1 to the EIA Regulations always requires EIA. Development which falls within a description in Schedule 2 only requires EIA if it is likely to have significant effects on the environment. The expression "likely to have significant effects on the environment" connotes something more than a bare possibility, though any serious possibility will suffice.

The minded to direct letter

8. Prior to its withdrawal, planning application 2017/01080/FUL was before Vale of Glamorgan Council for determination when consideration began as to whether the application should be subject to EIA.
9. On 14 February 2018, the developer of the plant was informed the Welsh Ministers were minded to direct EIA is required for the application. The developer responded to the letter and the response was made public in response to a freedom of information request, which can be found here [FOI release: Biomass Ltd Correspondence | GOV.WALES](#).
10. An application made under section 73 of the 1990 Act is an application for planning permission and under domestic law, a new planning permission is issued. The 'minded to' letter was issued on the basis a new planning permission equates to a development consent as defined in the EIA Directive. The screening consideration contained in the letter therefore started from the position of the whole development (the subject of the new planning permission) needing to be considered when determining whether EIA is required. The minded to letter set out why it was considered the plant fell within project category 10 set out in Schedule 1.
11. Following the representations made by the developer and DIAG, I have reconsidered whether the approach set out in paragraph 10 is correct and concluded section 73 applications should be considered as changes or extensions to projects, despite successful applications resulting in a new planning permission.

EIA status of the outline planning application

12. Both Schedule 1 and Schedule 2 to the EIA Regulations have project categories relating to changes or extensions to projects. The relevant project category of a section 73 application therefore depends on the project category of the original project. My reconsideration of the section 73 application and consequential consideration of the outline planning permission has led me to question whether EIA was properly considered at this earlier stage.
13. The Vale of Glamorgan Council decided EIA was not required in relation to planning application 2015/00031/OUT when it was determined on 31 July 2015. Welsh Government policy is not to review local planning authority planning decisions. However, even though the United Kingdom has left the European Union, the Welsh Ministers have a duty of sincere co-operation to ensure compliance with European law and it is for this reason I have looked again at whether EIA should have been undertaken.
14. Planning application 2015/00031/OUT sought outline planning permission for a wood-fired renewable energy plant. Vale of Glamorgan Council considered the development fell within project category 11(b), installations for the disposal of waste, in Schedule 2 to then current EIA Regulations (the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 1999) ("the 1999 EIA Regulations"). Their

analysis concluded there were no likely significant effects on the environment and consequently EIA was not required.

15. I consider the correct approach to whether EIA was required for the outline application is to start from the basis the application was a change or extension to an existing project. This is because an earlier planning permission remained extant at the time of the application. Planning permission 2008/01203/FUL for the erection of new industrial building and installation of a 9MW renewable energy plant was granted on appeal on 2 July 2010 (“the 2010 permission”). This permission was valid until July 2015 and the subsequent application was submitted in January 2015 and validated in February 2015. The extant permission was for a gasification plant using pyrolysis to create syngas. The outline planning application sought to change the gasification technology to the use of a fluidised bed but was otherwise for the same project, despite changes to the site layout and elevations.

The 2010 Permission

16. During the consideration of the application, a number of screening directions were issued by the Welsh Ministers culminating in a letter of 23 December 2009. Paragraph 4 of the letter identifies uncertainty about how pyrolysis should be considered in the context of EIA. While the letter concluded EIA was not required, the appeal process which granted the 2010 permission was nevertheless accompanied by an Environmental Statement, which was taken into account in the decision.
17. Having looked again at relevant project categories, I am now of the view the proposed development set out in the 2010 permission should have been more appropriately considered as falling within category 10 of Schedule 1 to the 1999 EIA Regulations. This is because the proposal amounted to waste disposal using either incineration or chemical treatment with a capacity over the relevant threshold.
18. Category 10 of Schedule 1 to the 1999 EIA Regulations comprised:
“waste disposal installations for the incineration or chemical treatment (as defined in Annex IIA to Council Directive 75/442/EEC* under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day.”

*(now Annex I to Directive 2008/98/EC of the European Parliament and the Council)

Waste disposal

19. The wood processed by the plant would have been waste wood. For the purposes of EIA, waste disposal includes the recovery of waste, as explained in advice on project category 10, contained in the European Commission’s publication, “Interpretation of definitions of project categories of annex I and II of the EIA Directive”. As the development would have sought to recover energy from waste through gasification, I consider this recovery process to be ‘waste disposal’.

Incineration or chemical treatment

20. With respect to the type of waste treatment, I consider pyrolysis falls within the ambit of either incineration or chemical treatment as referred to in the project category. If pyrolysis is not incineration then I am clear it would be caught by the chemical treatment element of the project category. Annex II of Directive 75/442/EEC (and now Annex I of Directive 2008/98/EC) defines chemical treatment under heading D9 as:

'Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)'

21. The treatment of waste wood through gasification via pyrolysis is partial oxidisation and in this case, the resultant compound, syngas, is subsequently incinerated to recover energy. This means the characteristics of this development fell within the project description in paragraph 10 of Schedule 1 to the 1999 EIA Regulations whether the process is either incineration or physico-chemical treatment.

Capacity

22. The other aspect of the project description is the volume of waste treated. The Planning Permission restricted the amount of feedstock to 72,000 dry tonnes of wood waste per year. Based on operations over 365 days a year, this would represent a 'minimum' daily capacity of an average of 197 tonnes a day. This is well in excess of the threshold of 100 tonnes described in the project category.

2015 Outline Permission

23. Having established the outline planning application was for a change to a consented development (see paragraph 15), I have had to consider whether the 2015 application falls within the project category 21 set out Schedule 1 to the 1999 EIA Regulations. It states:
 21. Any change to or extension of development listed in this Schedule where such a change or extension itself meets the thresholds, if any, or description of development set out in this Schedule.
24. The fluidised bed process is waste treatment and the new plant to be installed in place of the pyrolysis technology would have a capacity in excess of 100 tonnes a day. It therefore falls within the description of project category 10 (waste disposal installations for the incineration or chemical treatment of non-hazardous waste) and also exceeds the capacity of that category. For this reason I consider the outline planning application was for a Schedule 1 project and therefore would have required EIA.

Duty of sincere co-operation

25. Even though the UK has left the European Union, the terms of the Withdrawal Agreement mean the Welsh Ministers have a continuing duty of sincere co-operation which requires them to exercise any powers available to them under domestic law to prevent the plant coming into operation until EIA has been carried out, if taking such measures is lawful and proportionate.
26. The period for challenging the grant of planning permission through the Courts of England and Wales has long expired. Therefore the relevant power available to the Welsh Ministers is the making of a discontinuance order under sections 102 and 104 of the 1990 Act.
27. The Welsh Ministers have been considering whether to use a discontinuance order to require EIA. The developer, however, has volunteered to prepare an environmental statement. The production of a statement is a first step in the EIA process set out in

the EIA Regulations. This would normally be followed by public consultation, which is what was proposed in the Welsh Government written statement of May 2019.

28. While construction of the plant is complete, commercial operation has not yet commenced. With operation likely to soon commence and EIA not yet undertaken, I must consider whether to formally prevent full operation of the plant while EIA is conducted, to fulfil the duty of sincere co-operation. This decision is without prejudice to the future decision required after consultation on the environmental statement, to consider the implications of any likely significant effects on the environment identified and what action is required as a result. For this current decision I have therefore considered whether the making of a discontinuance order to prevent operations while EIA is undertaken is lawful and, if it is, whether doing so represents a proportionate response.
29. Section 104 of the 1990 Act provides the Welsh Ministers with the power to make a discontinuance order under section 102 if it appears to them that it is expedient that such an order be made. The Welsh Ministers in Planning Policy Wales state:
 - a. the use of the power can only be justified in exceptional circumstances, and
 - b. the Welsh Ministers will generally use this power only if the original decision is judged to be grossly wrong, so that damage would be done to the wider public interest.
30. It is in the public interest for decisions to be taken in accordance with the law. The EIA Regulations require planning decisions to take into account the environmental information about the likely significant effects of the development on the environment. A lack of environmental information harms the ability of the public to participate fully in decision making. It also prevents the decision maker determining an application in the full knowledge of the likely environmental effects and potentially gives rise to a missed opportunity to apply mitigation to those developments which do proceed.

Environmental Impacts

31. The wider public interest would be damaged if significant effects on the environment were occurring without EIA having been properly undertaken. The occurrence of significant environmental effects would be a very important factor which would weigh in favour of taking action when considering whether it is expedient to suspend operations.
32. The plant is currently mothballed but is physically capable of full operation after a short recommission programme. The longer it takes to consult on the environmental statement, the more likely full operations will commence and the full environmental impacts associated with this will occur. I await with an open mind the possibility of likely significant effects being identified by consultees through the consultation process. In the meantime, for the limited purpose of considering the expediency of formal suspension, I have considered the predicted effects set out in the environmental information submitted with the outline application 2015/00031/OUT, the information submitted with the environmental permitting application and the subsequent analysis by Natural Resources Wales. I have also considered reports compiled for Barry Town Council.
33. I also take into account the environmental statement submitted voluntarily by the developer in September 2019 in preparation for the consultation exercise and the subsequent analysis of that information by WSP on behalf of the Welsh Ministers which identified a number of gaps in the information. I also take into account the

replacement environmental statement voluntarily submitted by the developer in April 2021, which seeks to address the identified gaps although I keep in mind this is yet to be subject to consultation, which will take place in September.

34. My analysis focuses on those environmental effects which have the potential to be significant during the period while the EIA is undertaken. I anticipate the remaining EIA process will take four months.

Air quality

35. Air quality has been a particularly contentious issue. I note your disagreement with the modelling work undertaken by the developer.
36. Submitted with the outline planning application 2015/00031/OUT was a Stack Height Assessment prepared by Stopford Energy and Environment which concluded a 43 m stack was appropriate for a negligible Annual Mean Nitrogen Dioxide Concentration.
37. A further air quality assessment was prepared by Entran Ltd. This used detailed air quality modelling to predict the effects associated with stack emissions from the site. For the proposed stack height, maximum off-site process concentrations are predicted to be well within the relevant air quality standards for all pollutants considered. The significance of the effects were assessed as negligible for human health.
38. The predicted process contributions are also predicted by Entran to be negligible compared with the critical levels and critical loads at nearby statutory sensitive habitat sites. The only issue identified by the work was a potentially significant impact for nutrient nitrogen deposition predicted at ancient woodland adjacent at Hayes Lane.
39. The report by Entran must be viewed with considerable caution given the diameter of the flue used for the modelling work, which WSP points out was increased to 2.75 metres when the proposed stack height was increased to 43 metres. The work was also used, however, for the application for an Environmental Permit for the site. The issue of flue diameter was the subject of correspondence between Natural Resources Wales (NRW) and the developer. In determining the Permit Application, NRW had been satisfied through the dialogue with the developer that the report's conclusions remained valid. NRW were therefore not concerned about the predicted deposition for the Hayes Lane site and I agree with their view, given the predicted process contribution from the plant.
40. A review of the Permit Application documents was undertaken by Capita plc for Barry Town Council. Capita raised a number of issues and comments during the review process resulting in revised information being submitted, particularly in relation to the fire prevention plan (fire is considered in paragraphs 49 to 52 below). Capita's comments in relation to air quality included issues about consistency between the original information and revised work submitted by the applicant. I am not aware these specific queries were subsequently explained by the applicant but the issues raised were taken into account by NRW when determining the Environmental Permit.
41. For the Environmental Permit application, NRW considered the assessment of the baseline situation and dispersion modelling of the predicted emissions. The assessment work identifies a wide range of pollutants which are likely to be emitted by the plant. However, NRW's assessment of the work concluded the emissions from the plant would not cause concentrations of pollutants which would harm human beings or the wider environment and I agree. While NRW have warned the company about breaching their permit during commissioning, air quality objectives were not exceeded.

Monitoring of air quality during commissioning work does not show any exceedances of the limits stated in the environmental permit. I am satisfied the evidence shows that there will be no significant effects on the environment while an EIA is carried out.

Climate change

42. The gasification process results in emissions which have a greater than local effect. Whilst the voluntary environmental statement does not address this issue, it was looked at in detail during the environmental permitting process and we are satisfied with the adequacy of the information provided. The applicant for the permit submitted calculations of the plant's Global Warming Potential (GWP) using the methodology set out in horizontal guidance issued or endorsed by NRW. The net GWP is derived from the following elements.
43. On the debit side
- CO₂ emissions from the burning of the waste;
 - CO₂ emissions from burning auxiliary or supplementary fuels;
 - CO₂ emissions associated with electrical energy used;
 - N₂O from the de-NO_x process.
44. On the credit side;
- CO₂ saved from the export of electricity to the public supply by displacement of burning of virgin fuels.
45. NRW were content with the applicant's assessment which showed their preferred option Best Available Technology for the installation in terms of GWP. The H1 methodology calculates the GWP as -32,644 (tonnes CO₂ equivalent per annum). I currently have no reason to disagree with NRW's conclusion the proposal represents Best Available Technology and conclude the impact on climate change is not significant.

Drainage

46. The plant design keeps surface water and foul sewer discharges separate. Any hazardous chemicals accumulating in the air emissions abatement plant will be removed from site as solids. NRW noted, during its determination of the Environmental Permit, foul sewer discharges will consist of process effluent in the form of boiler blowdown and water treatment plant discharges. I agree with their assessment that the environmental risk associated with the release of process effluent to sewer is not significant, since there is no aqueous effluent associated with any of the air abatement plant.
47. Concern has been expressed that the public sewer flows directly into Barry Dock. I am aware of overflow arrangements for the combined surface water and foul sewer in the area and ongoing investigation into additional discharges from a combined sewer outfall into the dock beyond the level permitted. However, I am satisfied, while there are short term issues for Dwr Cymru Welsh Water to resolve in respect of the sewerage system, they are of a nature which the biomass plant will not make worse. Dwr Cymru Welsh Water did not object to the application and still have the responsibility to consent trade waste effluent in a responsible manner, ensuring there is sufficient capacity to properly treat the volume of effluent produced.
48. Pollution resulting from the use of water to tackle fires at the plant has been raised as a concern. The design of the plant has measures to contain fire water. This leads me to the conclusion the risk of contaminated water spillage is low, not only because the

risk of fire is low but the low risk of the mitigation measures failing lowers the risk of pollution even further. I recognise a spill would be devastating for the Dock ecosystem if it did occur but the lasting effect of a spill would be limited, affecting the dock in the first instance, a contained setting with no priority habitats. I therefore do not consider it is likely that significant environmental effects will occur whilst EIA is undertaken.

Fire

49. I note a particular concern has been the risk of fire, because of the air quality and risk of surface water pollution. NRW as part of the Environmental Permitting process considered fire prevention and response, in consultation with the South Wales Fire and Rescue Service. The work undertaken by Capita for Barry Town Council also considered this issue.
50. The Fire Prevention Plan submitted by the applicants was revised a number of times, however, NRW were content with the final detail provided for the Environmental Permit.
51. The impacts of fire such as water pollution are discussed in paragraph 48. A fire would be directly hazardous to staff and fire fighters. The smoke and emissions would be hazardous to nearby residents and others. However, the risk of these hazards occurring are low.
52. While a fire at the plant would have adverse environmental effects, the availability of fire fighting and containment systems mean those effects will be temporary and contained so my current view is those effects are not significant for the environment, including human health.

Flooding

53. The site, given its coastal location, is at risk of tidal flooding. While the margins of the dock, including David Davies Road, have a 1 in 1000 chance of flooding in any year, the latest NRW flood maps show the site to have a lower flood risk. While the risk of flooding is likely to increase with global warming I am not persuaded the risk is significant for the period while EIA is being undertaken.
54. Given the low risk of flooding I have not considered the flood consequences in great detail, other than to note, the release of hazardous materials in the event of a flood would be limited given their containerised storage. If the level of sea inundation was such as to threaten the plant, the devastation across the South Wales coast would be huge and the effect this particular plant would have on the long term outlook for ecosystems would be by comparison minimal.

Traffic

55. A Transport Statement submitted with the outline planning application considered the number of heavy goods vehicle (HGV) movements associated with the delivery of feedstock and the removal of ash. The number of vehicle movements associated with staff are not significant, however I note a travel plan is intended to influence the mode of trips to the site. The delivery of feedstock by ship will reduce HGV movements but, given the uncertainty of deliveries using this method, I have considered the worst case scenario to understand the likely impacts of traffic movements.
56. The main potential impacts of traffic are from the noise and air emissions, including those emissions resulting from congestion. The numbers of vehicles likely to be

generated by the development were calculated from the maximum throughput of feedstock permitted to be used (72,000 dry tonnes a year). The amount of ash to be removed each year was estimated to be 2,200 tonnes. Assumptions have been used on the load capacity of HGVs which affect the number of vehicle movements and discussion of possible routes through Barry were given consideration. Traffic count data used to inform the outline planning permission was up to 2013. Traffic data up to 2016 indicates traffic levels were broadly similar.

57. None of the predicted traffic figures have significant implications for congestion of the Barry highway network. My main concern is the effect of increased HGV numbers on people living and working in close proximity to the main HGV routes to the site, particularly the A4055 Cardiff Road. However, set against the baseline traffic flows projected forward, the additional effects from traffic connected with the site do not appear to be significant.

Visual impact

58. The site is set within an industrial landscape, a legacy of its former docks use. When viewed from the residential areas on the ridge overlooking the docks, the height of the building makes it a prominent feature among the surrounding industrial buildings and lorry parks. The dominance of the large building and chimney stack has negatively affected the view for residents living above.
59. I agree with WSP, given its large scale, I would expect more thorough assessment of the plant's visual impact to be included within an environmental statement, something the April 2021 statement has sought to address. As the plant buildings are complete, any suspension of operations which fall short of removing any structures, will not mitigate visual impacts and the effect on the landscape. The EIA process will consider the impact so I consider it premature to arrive at a conclusion on this issue and I do not consider this is an issue which makes it expedient to suspend operations.

Waste

60. Two aspects of waste arise with this project. The incoming waste stream to be used as a fuel and the ash produced as part of the gasification process. Air emissions are dealt with in paragraphs 355 to 411 above.
61. The waste wood being delivered to site will have already been processed so it can be used in the gasification process. The prior processing of the waste stream will have environmental effects, however I do not consider they are relevant to the decision before me. I note your concern about wood chip storage elsewhere on the Docks estate. While specific contracts may have been entered into to supply the plant, the plant is not constrained, other than by these specific commercial arrangements, in where it can source wood chip. I do not consider the existence of this plant is therefore directly causing environmental effects elsewhere and any indirect effects are possible to control through other planning or environmental permitting controls in their own right. The operations elsewhere are sufficiently detached so as not to form part of the same project.
62. The gasification process will produce waste ash from the bottom of the fluidised bed vessel and residue from the air pollution control system cleaning the flue gas produced. The ash is collected and stored in two sealed containers, minimising the risk of dust escaping to the atmosphere. Natural Resources Wales is of the view this process represents best available technology. The ash will be taken off site for disposal.

63. The developer has made varying claims about the percentage of ash produced compared to feedstock. The Waste Planning Assessment accompanying the outline planning condition estimates 8% residual ash, while more recently it is projected at 2.8% non-hazardous ash and 1.8% hazardous material. The ability to reuse the non-hazardous ash means the environmental impacts are limited mainly to its transportation. The production of fly ash containing hazardous material has the potential for significant effects. Its handling in sealed containers means the risks on-site are minimal. It does however require the need for land to be given over to the disposal of hazardous waste and there is a risk for environmental pollution and harm to human health. The destination is not fixed however, so any licensed tipping site could be used. It is difficult to quantify the effects when the tip site is unknown. The main risk will be pollution of watercourses and hazardous dust but as outlined in respect of the source of the feedstock, the effects are indirect and are controlled independently of this project.

Noise

64. Vale of Glamorgan Council has ongoing concerns about this issue. They consider the assessment work undertaken by the developer has not fully kept to the British Standard, such as not considering highly impulsive and low frequency noise, something confirmed by the work of WSP.
65. The revised noise assessment undertaken by the developer was checked by modelling undertaken by NRW. Their analysis included consideration of whether highly impulsive, low frequency and other issues raised by the Council had reasonably been addressed. Their conclusions were there are no likely significant effects from noise and vibration. I agree with NRW's view and conclude significant effects are unlikely while the EIA is undertaken.

Economic and Social Costs

66. There are economic and social costs weighing against suspending operations while EIA is undertaken, a period estimated to be 4 months.
67. If activity at the plant is suspended, thereby delaying the plant becoming fully operational while EIA is undertaken, the time taken to prepare an environmental statement will cost the developer a loss of earnings and the wider economy will not benefit from the permanent employment offered by the plant.
68. Suspending activity would affect the developer's contracts with its suppliers putting the jobs they created to supply the plant at risk of redundancy. The making of an order under section 102 would enable a claim for compensation to be made to the Local Planning Authority in respect of any relevant damage (see section 115 of the 1990 Act). While the developer's costs would be recoverable from the authority, this may take some time, and ultimately the cost would be borne by Local Government or Welsh Government budgets which are under particular strain at this time.
69. The developer was asked for an estimate of the costs it would incur due to a suspension of operations for four months while EIA was undertaken. In addition the Welsh Government arranged for an independent estimate of costs. I have considered these in coming to my decision.
70. The outline planning application notes up to 14 people would be directly employed at the plant. This is a modest addition to employment numbers in Barry but will be

supplemented by jobs in the supply chain. Preventing the plant operating would stop the realisation of this economic benefit in the short term.

Development Plan

71. Section 102 of the 1990 Act requires regard to be given to the development plan when considering whether it is expedient to make an order. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The relevant development plan is the Vale of Glamorgan Local Development Plan, which was adopted on 28 June 2017. The proposals map indicates the site is subject to Policy MD16 Existing Employment Sites and Policy SP9(4) Sand and Gravel Wharf Safeguarding. While various policies in the plan support development of the site, others seek to protect surrounding receptors from environmental damage.
72. The decision I am taking does not relate to the full planning merits of its continued use but relates to suspending operations while EIA is undertaken. The Local Development Plan does not provide significant direction on such an issue.
73. Other material considerations include national planning policies in Planning Policy Wales and Future Wales, which I have considered. I have taken account of our policy to base planning decisions on the most appropriate level of information. I also note Planning Policy Wales requires exposure to pollution to be minimised and reduced as far as possible. The specific policy on discontinuance orders and how that has been considered is set out above from paragraph 28 onwards.

Conclusions

74. I conclude the development comprised in the 2015 outline planning permission is Schedule 1 development and should have been subject to EIA. This follows my conclusion the application for planning permission represented a change to an existing Schedule 1 project (the 2010 planning permission). The outline planning application sought to change the gasification technology to the use of a fluidised bed but was otherwise for the same project, despite changes to the site layout and elevations.
75. The duty of sincere co-operation under European law requires the Welsh Ministers to exercise any powers available to them under domestic law to prevent the plant coming into operation, or suspend operations, until EIA has been carried out, if taking such measures is lawful and proportionate.
76. I have considered whether it is expedient to make an order under section 102 of the 1990 Act to require use of the site for a wood fired renewable energy plant to be discontinued until an environmental statement has been submitted to and considered by the Welsh Ministers.
77. In deciding whether it is expedient the main issues have been whether any significant environmental effects are occurring or likely to occur while the EIA process is undertaken and whether the benefits of suspension outweigh the costs of doing so.
78. The benefit of suspending operations while undertaking EIA is such suspension would more closely align with the intention of the law. The intention being that the possibility of significant effects occurring does not arise until after EIA has been completed

(because the works with the potential to give rise to such effects do not commence until after EIA).

79. In this case extensive environmental assessment work has already been undertaken. This work provides evidence that there are no likely significant effects on the environment, other than the visual impact which would not be mitigated by a section 102 order. Also, while public engagement in respect of the outline planning application was not particularly extensive, ample opportunities to comment on environmental information have since been provided in connection with consideration of the Environmental Permit by NRW. I have taken account of the relevant points raised by those representations in my decision today. My view on environmental impacts is solely for the purpose of deciding whether to suspend operations while EIA is undertaken. I remain open to the possibility new information may come to light as a result of the forthcoming public consultation exercise.
80. The costs associated with a suspension of operations includes the loss of earnings of the developer during the anticipated four months while use of the site is discontinued (which would likely be paid through government compensation) and the economic disbenefits caused by a delay in the creation of permanent jobs at the site.
81. These costs are currently reduced while the plant is not operating commercially but will increase.
82. I have considered how the Well-being of Future Generations (Wales) Act 2015 must be applied to this decision, including the five ways of working.
83. I have taken into account that the current decision whether or not the plant is suspended during the EIA process will not prejudice the final decision about the future of the plant, which will take account of long term effects.
84. The development of the plant has the potential for tension between the Welsh Government's well-being objectives related to economic development and environmental protection. In deciding whether to suspend operations I have had regard to the continued operation of the plant, which has economic benefits, in a way which mitigates environmental impacts.
85. I have considered that this is an interim decision in an ongoing process that will involve public engagement through an EIA process and that engagement will help to inform a final decision on the long term future of the plant. I have given regard to the many representations submitted to the Vale of Glamorgan Council, to NRW and directly to the Welsh Ministers during the period I have been considering this case. I have drawn on the evidence of a range of organisations involved, including Barry Town Council, Public Health Wales and your group DIAG.
86. The decision has considered the potential for environmental impacts and the requirement promoted through the Act to prevent problems getting worse.
87. In making this decision I have considered the Welsh Government's well-being objectives and the effect of this decision on those objectives.
88. On the basis of the evidence before me I believe that not suspending the plant during the EIA period has a limited positive effect on the objective to build an economy based on the principles of fair work, sustainability and the industries and services of the future. Also, a limited positive effect is anticipated on the objective to build a stronger

greener economy as we make maximum progress towards decarbonisation. I note what NRW have said about the Global Warming Potential of the plant and that it displaces the burning of virgin fuel from the process of electricity generation. My consideration of these issues contributes to the objective of embedding our response to the climate and nature emergency in everything we do.

89. I recognise that the wellbeing of those living close to the plant may be negatively affected by their worries and concerns. However, the evidence before me shows that the continued operation of the plant during the EIA process will not have an adverse effect on the health of the public. I consider therefore that my decision may have a limited negative effect on the objective of making our cities, towns and villages even better places in which to live and work. I also note however, that the public will be in a position to voice those concerns during the EIA process and these will be fully considered in any final decision made in relation to the plant.
90. I consider the decision has a neutral effect on the other well-being objectives as the evidence shows it would not significantly affect them either way.
91. I have also considered the negative consequences of suspending operations while EIA is undertaken including the economic harm caused to the local area and the impact on public resources of any compensation payable.
92. I have considered whether, having regard to the Welsh Minister's wellbeing duty, it would be reasonable to take a different decision. I note the only alternative decision would be to suspend the plant while the EIA process is carried out and consider that a suspension decision would negatively impact on the objective to support people and businesses to drive prosperity. Consequently, I consider that the decision not to suspend while an EIA is undertaken is a reasonable step in meeting the Welsh Ministers' well-being objectives.
93. I note in particular that this is an interim decision in an ongoing assessment of the plant's environmental impact. The evidence before me shows that the plant is not likely to have significant effects on the environment while an EIA process carried out and I have concluded the benefits of suspending operations while undertaking EIA do not outweigh the costs. This leads me to conclude it is not expedient to order discontinuance of the use of the plant while EIA is undertaken.

Screening of the section 73 application

94. In paragraph 111 above I concluded section 73 applications should be treated as a change or extension to a project. Therefore the development proposed in planning application 2017/01080/FUL, the addition of a water tank and parking, would have been a change to the consented project. While the 'minded to direct' letter was correct to identify the project as a Schedule 1 project, I have reconsidered the matter and concluded the development set out in planning application 2017/01080/FUL would have been a change to a Schedule 1 project, but the change in itself does not meet the description of development set out in paragraph 10. The change is therefore not Schedule 1 development.
95. The relevant project category in the table in Schedule 2 would be 13(a). The corresponding threshold in column 2 of the table is whether the development as changed or extended may have significant adverse effects on the environment.
96. As the section 73 application has been withdrawn I do not intend to consider the need for EIA in relation to the application.

Next Steps

97. In relation to the outline planning permission, I intend to undertake public consultation on the environmental statement provided by the developer.
98. I have sent a copy of this correspondence to the Local Planning Authority, the Vale of Glamorgan Council and the applicant in relation to planning application 2017/01080/FUL via their agent Power Consulting Midlands Ltd.

Yours sincerely



Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **1 SEPTEMBER, 2021**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

6. 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.