

**PLANNING COMMITTEE**

Minutes of a meeting held on 3<sup>rd</sup> March, 2016.

Present: Councillor F.T. Johnson (Chairman); Councillor Mrs. M.R. Wilkinson (Vice-Chairman); Councillors J.C. Bird, Ms. B.E. Brooks, Mrs. P. Drake, J. Drysdale, C.P. Franks, H.C. Hamilton, Mrs. V.M. Hartrey, N.P. Hodges, A. Parker, R.A. Penrose, A.G. Powell, G. Roberts and A.C. Williams.

List of Public Speakers:

<b>Name of Speaker</b>	<b>Planning Application No. and Location</b>	<b>Reason for Speaking</b>
Mr. A. Van Os	2015/01132/FUL - The Beachcomber, Lakeside, Barry	Objector or their representative
Mr. G. John	2015/01132/FUL - The Beachcomber, Lakeside, Barry	Applicant or their representative
Mr. D. Wiltshire	2015/01256/FUL - Land at rear of 11 Whitcliffe Drive, Penarth	Objector or their representative

892 ANNOUNCEMENT -

Prior to the commencement of business of the Committee, the Chairman advised that the meeting would not be filmed or webcast due to a technical issue.

893 APOLOGIES FOR ABSENCE -

These were received from Councillors Mrs. M.E.J. Birch, Ms. R. Birch, E. Hacker, H.J.W. James, Mrs. A.J. Preston and M.R. Wilson.

894 MINUTES -

RESOLVED - T H A T the minutes of the meeting held on 11<sup>th</sup> February, 2016 be approved as a correct record.

895 DECLARATIONS OF INTEREST -

No declarations were received.

## 896 SITE INSPECTIONS (MD) -

RESOLVED - T H A T the attendance of the following Councillors at the sites indicated below on 11<sup>th</sup> February, 2016 be noted:

Apologies for absence for Sites (a) and (b) were received from Councillors J.C. Bird, Mrs. P. Drake, E. Hacker, H.C. Hamilton, Mrs. V.M. Hartrey, R.A. Penrose, Mrs. M.R. Wilkinson and A.C. Williams.

Apologies for absence for Site (c) were received from Councillors J.C. Bird, Mrs. P. Drake, E. Hacker, H.C. Hamilton, Mrs. V.M. Hartrey, A. Parker, R.A. Penrose, Mrs. M.R. Wilkinson and A.C. Williams.

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| (a) Photovoltaic Installation, Cwrt Yr Ala Road, Caerau, Cardiff (Former Ely Brickworks) | Councillor F.T. Johnson (Chairman),<br>Councillors J. Drysdale, A. Parker and G. Roberts,              |
| (b) Land Rear of Seaton Hoe, Pen Y Turnpike Road, Dinas Powys                            | Councillor F.T. Johnson (Chairman),<br>Councillors J. Drysdale, C.P. Franks, A. Parker and G. Roberts. |
| (c) Land at Cardiff Road/Cross Common Road, Dinas Powys                                  | Councillor F.T. Johnson (Chairman),<br>Councillors J. Drysdale, C.P. Franks and G. Roberts.            |

## 897 BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS (HRP) -

RESOLVED -

- (1) T H A T the Building Regulation Applications as listed in the report be noted.
- (2) T H A T the service of Notices under Building (Approved Inspectors Etc.) Regulations 2000 as listed in the report be noted.

## 898 PLANNING APPLICATIONS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS (HRP) -

RESOLVED - T H A T the report on the following applications determined under delegated powers be noted:

**Decision Codes**

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|---|---|
| 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	-	Prior approval required (PN)	"F" above (PN)
H	-	Allowed : Agricultural Condition Imposed : Appeals	N - Non Permittal (OBS - objections) NMA – Non Material Amendments
J	-	Determined by NAFW	Q - Referred to Secretary of State for Wales
L	-	Approved <u>AND</u> refused (LAW)	(HAZ)
P	-	Permittal (OBS - no objections)	S - Special observations (OBS)
R	-	Refused	U - Undetermined RE - Refused (Enforcement Unit Attention) V - Variation of condition(s) approved

2015/00240/OUT	A	The Television Centre, access to ITV Wales Television Studios, Culverhouse Cross	Variation of Condition 7 of 2013/01152/OUT - Demolition of existing buildings and redevelopment of site for residential purposes
2015/00387/FUL	A	Rear of 9, Station Road, Rhoose	Demolition of existing coach house on land to the rear of 9, Station Road Rhoose and the construction of new detached two storey two bed dwelling house
2015/00399/LBC	A	Llwyn Celyn, 77, High Street, Cowbridge	Application to replace existing failed window frames to top floor rear elevation only.
2015/00593/FUL	R	Madison, Pond Street - Jct Pond Cottage to Jct B4268, Llysworney	Demolition of the existing single two storey dwelling and the erection of three new separate two storey dwellings
2015/00766/FUL	A	Ffream Annwfn, Sully Road, Penarth	Ground floor extension/remodelling of existing bungalow including rise in roof height to provide first floor accommodation
2015/00872/FUL	A	28, Llys Dwynwen, St. Iltys Fields, Llantwit Major	Single storey side extension with atrium roof
2015/01020/FUL	R	Land at Llanmaes	Agricultural shed

2015/01073/FUL	A	Glebe Farm, St Hilary	Refurbishment and extension of barn, including new roof with increased ridge, plus solar panels to rear field, for mixed small-scale horticultural activities
2015/01080/FUL	R	Brynheulog, St. Andrews Road, Wenvoe	Proposed construction of hay barn
2015/01183/FUL	A	Cambria House, Penarth Road, Penarth	Change of use to mix of B1 offices and D2 Leisure/Sports Area, to include internal sports pitches, sports facilities, car parking provision, ancillary bar area, community cafe and conference rooms and sport shop etc.
2015/01187/FUL	R	First Floor Flat, 25A, High Street, Cowbridge	Replacement of 3 wooden windows with UPVC double glazed units. New units to match original design
2015/01212/FUL	A	The Hawthorns, Llansannor	Retention of erection of and extension to an agricultural (barn) outbuilding, and associated excavations near boundary with Argoed Ganol
2015/01259/FUL	A	Tynytwod Cottage, Sandy Lane, Ystradowen	Variation of condition 1 of planning permission 2010/01305/FUL to provide further 5 year period
2015/01270/FUL	A	Penycae, 11, Beach Road, Penarth	Replacement of defective garage doors with iron gates and replacement of all existing house windows
2015/01322/FUL	R	21, Victoria Road, Penarth	Proposed new two bed dwelling including demolition of existing buildings

2015/01327/FUL	A	46, Clos yr Wylan, Barry	Retrospective consent for orangery
2015/01334/FUL	A	Ty Isha, 30, Wick Road, Ewenny	Removal of Condition 13 (Foul and Surface Water Drainage) of planning permission 2013/00472/FUL
2015/01343/FUL	O	Units 5 and 6, Sutton Road, Llandow	Proposed office building and associated works
2015/01349/FUL	A	34, Cross Street, Barry	Conversion of dwelling into two, two bedroom flats
2015/01354/FUL	A	Renishaw Plc., Miskin Business Park, Miskin	The proposal is for the installation of a roof mounted renewable energy solar photovoltaic electricity generation plant to supply zero carbon electricity to the Renishaw Factory. The proposed system capacity is 923.82kWp. The power generated will be used on site and will displace the equivalent amount of imported electricity
2015/01357/CAC	R	21, Victoria Road, Penarth	Proposed new two bed dwelling including demolition of existing buildings
2015/01371/FUL	A	88, Shakespeare Avenue, Penarth	Demolition of two small extensions to rear of building to be replaced with a single larger extension and minor internal alterations
2015/01383/FUL	A	23, Maillards Haven, Penarth	Single storey extension to front to provide sun room

2015/01386/FUL	A	5, Fonmon Road, Fontygary, Rhoose	Single storey rear extension comprising of sun lounge and shower room, lean to roof
2015/01391/FUL	A	Long Acre, Pendoylan	Demolition of existing and erection of replacement dwelling
2015/01392/FUL	A	81, Lavernock Road, Penarth	First floor extension to rear and loft conversion complete with associated works to existing roof
2015/01397/FUL	A	43, Chamberlain Row, Dinas Powys	Single storey rear extension
2015/01399/FUL	A	Owls Lodge, Bonvilston	Proposed additional storey to side extension
2015/01400/FUL	A	7, Elizabeth Avenue, Barry	Conversion of existing four bedroom dwelling to create two number two bedroom self-contained flats
2015/01409/FUL	A	31, Porth y Castell, Barry	Roof extension including raised ridge height, dormer additional and a first floor rear extension
2015/01413/LAW	A	Bryn Sych Farm, Morfa Lane, Llantwit Major	Certificate of Lawfulness for use of dwelling as Children's home for four residential children
2015/01416/FUL	A	68, Bron Awelon, Barry	Proposed demolition of garage two storey extension to enlarge kitchen and dining room, additional bedroom to first floor and roof conversion with dormer to form bedroom with en-suite
2015/01418/FUL	A	Land opposite Forest Farm, Cowbridge Road, Talygarn	Proposed stable and store room

2015/01419/FUL	A	1, Station Approach, Penarth	Change of use is from A2 to part A1 (Retail in the front of the ground floor shop) and part D1 for glass lessons to be offered in the rear room of the ground floor
2015/01423/FUL	A	Beach Road, Sully	Temporary alterations to sea defence proposals at the foreshore Swanbridge, Sully (New application Dec 2015)
2015/01424/FUL	A	Greytops, Llysworney	Construction of a single storey extension to the rear of the existing property
2015/01429/FUL	A	41, Stanwell Road, Penarth	Demolish existing single storey lean-to kitchen. Construct new, larger, single storey flat roof extension
2015/01430/FUL	A	23, Heol Gylfinir, Barry	The erection of a shed in the back garden
2015/01431/LAW	A	16, Broad Street, Barry	Ground floor - restaurant and associated areas First and second floors - Two flats
2015/01432/FUL	A	16, Broad Street, Barry	Reconfigure the upper parts of the property to provide 1 x studio, 1 x 2 bed (4 person) and 1 x 2 bed (3 person)
2015/01433/FUL	A	Old Post Office, Llanmaes	Two storey extension to rear. Existing roof to rear revised. New replacement windows
2015/01434/FUL	A	3, East Walk, Barry	First floor residential extension over existing ground floor residential extension

2015/01437/FUL	A	Vale Street Post Office, 113, Park Crescent, Barry	Proposed change of use from A1 Retail to A2 Professional Office use, with external shop front alterations
2015/01438/FUL	A	Sea Murmur, 26, Main Road, Ogmore by Sea	Proposed roof alterations and additions, to include Master bedroom and new en suite bathroom with feature glazing to rear elevation
2015/01443/FUL	A	9, Clare Drive, Cowbridge	Single storey front and rear extension to existing house
2015/01446/FUL	R	42, Stanwell Road, Penarth	Proposals for building alterations to existing dormer roof extension
2015/01450/FUL	A	25, Cudd y Coed, Barry	Rear extension, replace windows and render exterior
2015/01462/FUL	A	Mon Repose, Pleasant Harbour, East Aberthaw	Proposed alterations and additions to existing detached garage, to form a work studio and wash down facilities, in lieu of previous planning approval under reference 2014/ 01546/FUL
2015/01463/FUL	A	20, Shakespeare Avenue, Penarth	Single storey kitchen/dining room and garage extension to a domestic dwelling
2015/01465/FUL	A	The Stable Yard, The Old Rectory, St. Brides Super Ely	Proposed detached dwelling
2015/01468/FUL	A	1, Yr Efail, Treoes	first floor extension forming two bedroom enlargement



2015/01469/FUL	A	1, Robin Hill, Dinas Powys	Build over existing single storey side extension to create additional bedroom. Single storey extension to rear elevation to accommodate remodelled kitchen/dining room
2015/01471/FUL	A	28, Clos y Fulfran, Barry	Single storey extension and general alterations and remodelling
2015/01475/FUL	A	The Folly, Church Road, Llanblethian	Replacement porch, single storey extension and raised planting beds to the rear garden
2015/01479/FUL	A	36, Sycamore Crescent, Barry	Two storey side extension above existing garage and lean to extension to front
2015/01480/LAW	A	18, Trem y Don, Barry	Single storey rear and side extensions. Loft conversion including roof extensions
2015/01485/FUL	A	5, Hastings Avenue, Penarth	First floor rear and single storey side extensions
2015/01486/FUL	A	Tumblers Chase, St Hilary	2-storey side extension to provide new double garage, cloak room and gym on ground floor and new play room, home office and bathroom on first floor
2015/01489/FUL	A	19, Spencer Drive, Llandough	Single storey rear extension
2015/01497/FUL	A	Greenfields, Ewenny Road, St. Brides Major	Proposed demolition of existing garage and single storey extension and replacement with single storey duo pitch extension

2015/01504/FUL	A	10, The Verlands, Cowbridge	Demolition of existing porch and 2 storey wing of house with restricted headroom on first floor and replacement with new 2 storey wing with hipped roof. Partial rebuild of existing single storey flat roofed rear extension
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899 APPEALS (HRP) -

RESOLVED -

(1) T H A T the list of appeals received from the refusal of the Council to grant planning permission as detailed in the report be noted.

(2) T H A T the appeal decisions as detailed in the report be noted.

(3) T H A T the statistics relating to appeals for April 2015 to March 2016 as detailed in the report be noted.

900 TREES (HRP) -

(i) Delegated Powers -

RESOLVED - T H A T the following applications determined by the Head of Regeneration and Planning under delegated powers be noted:

**Decision Codes**

A - Approved

R - Refused

E Split Decision

2015/01379/TPO	R	Y Fron Oleu, Michaelston le Pit	Fell Ash tree
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2015/01404/TPO	A	Ashgrove, Walston Road, Wenvoe	Fell front ash, reduce rear ash by 20%
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(ii) Confirmation of Tree Preservation Order No. 12, 2015 for Trees on Land at Wick Road, St. Brides Major (HRP) -

The report related to trees located on the edge of a small field north west of the Kings Hall and the residential barn conversions, close to the B4524 (Wick Road). In a semi-rural location adjoining the south eastern edge of the settlement of St. Brides Major. This field in particular, (and another immediately adjacent field to the north west) was included within the St. Brides Major Conservation Area. Five mature Limes border Wick Road with two very mature Beech, close to the Limes but growing behind them, at each side boundary of the field. Continuing from the front edge of the site as it turns into eastward 'side' boundary of the field there three more Limes and a Sycamore, all mature. The three Limes and Sycamore either sit on or just outside the site boundary. As all the trees lie within the conservation area they were statutorily protected albeit giving the authority a limited control in respect of work to or removal of the trees.

There was no record of notifications to the authority for Work to Trees in a Conservation Area.

A letter was received from the owner of the site which was accompanied by a Landscape Strategy plan (by EDP – Drawing No. EDP2911/04a dated 27th August, 2015) and Tree Survey (by Treescene dated 30th October, 2014) has been received objecting to the tree preservation order (TPO).

A summary of the reasons for objecting to the order were included within the report, as follows:

(1) The trees lie in the St. Brides Major Conservation Area and had protected status by virtue of their location whereby unlawful tree work was subject to similar controls as trees to which a TPO applies – as such, the authority should view serving a TPO on these trees as not expedient. There was no medium or long-term risk to the trees on the Order being cut down or pruned without seeking the authority's approval.

(2) The planning application submitted for affordable housing is made by 'a charitable housing association whose vision and values represent an obligation to the environment, and are committed to the good arboricultural management of the site.

(3) Following the LPA's policies and guidance with regard to submitting a planning application, a tree survey was carried out that has identified most of the trees as being of 'C' quality with fair to poor physiological condition. The Landscape Strategy which proposes a scheme that 'will improve general amenity as well as provide a successional tree stock'.

(4) The Arboricultural Impact Assessment concludes that the condition of many of the trees on the site is currently declining and that the development proposal would allow significant new tree planting providing long-term landscape amenity benefits.

Three letters of support were received from residents of the converted barn properties adjacent to the site. Two of which state that the trees were an integral part of the local bio-diversity, of importance to the landscape with obvious intrinsic amenity value and, furthermore, they supported a large bird population and considerable bat population, as well as helping to reduce traffic noise.

The third letter in support stated, in summary:

'highly supportive of ...any order which seeks to Preserve and Enhance the special qualities of the Area (St. Brides Conservation Area). ...the presence of mature trees and open spaces plays a vital role in helping to consolidate its rural character, which is very properly reflected in the wording of the adopted Appraisal and Management Plan (by the Vale authority, 2009)... .

The St. Brides Major Conservation Area is a valuable County asset so any steps in this age of increasing pollution and environmental vandalism which can be taken to halt or reverse the destruction of such assets should be vigorously supported. Not granting a TPO would bring into question the whole logic and rationale of having designated Conservation Area... .'

The report clarified the level of protection afforded to trees within conservation areas in light of the statement made by the objector. While the penalties for unlawful tree work to trees in conservation areas was the same as for a tree protected by TPO, the specifics of the work to trees in conservations areas, such as the reason for, the amount and standard of tree surgery was not subject to the same level of control.

Someone wishing to prune or remove a tree with a TPO had to make a formal application to the Planning authority and careful liaison at the start of the process could ensure a professional tree surgeon was employed at the outset to make the application on behalf of the tree owner. Negotiations could achieve more modest levels of tree work that were tailored to the specimen and ensure that good arboricultural practices were employed such as timing the work as appropriate to a species.

Conditions could be attached limiting the extent of tree work, when it should be carried out and the methods to be used as well as legally requiring the tree owner to use a professional practitioner. Furthermore, the authority could insist upon replacement trees being planted in predetermined locations and also upon the provision of specific reports when assertions were made regarding the need for the work.

Trees in conservation areas may be subject to enforcement action with equal legal penalties when unlawful work was carried out, however, seeking the authority's agreement to do works to such a protected tree required only that a person formally notify the council of their intentions allowing six weeks for an assessment of the tree. If the assessment found the tree did not meet enough criteria to merit the service of a TPO, the authority was limited to confirming by letter that it had no objection to the proposal and that work could proceed. None of the controls of the level and standard of the tree work can be imposed by condition and neither could reports be

sought, or replacement trees be enforced.

The objector asserted that the authority should consider the serving of the TPO on trees within a conservation area 'as not expedient' because of the protected status already conferred by their location, however, it was clear that there were differences between the two types of status and the level of protection afforded. Moreover, it was a nationally established practice to assess existing trees for their worthiness for protection by preservation order at the lodging of a planning application, to prevent the unnecessary removal or loss of quality trees within a council's area. In respect of the application (planning reference 2015/01157/FUL), for development of the field with housing, the existing trees were a significant material consideration located right at the roadside and by virtue of this location, crucial to the local and wider visual amenity. These reasons for protecting the trees by tree preservation order were reflected in the guidance from central government, (The Guide to Law and Good Practice – DETR May 2000).

The objector claimed that the developer was a charitable organisation whose vision and values represented an obligation to the environment and that they were committed to good arboricultural practices, however, the tree preservation order would stand in perpetuity, whereas the landownership may very possibly change over time. The vision, values and commitments did not necessarily stay with any new owner.

The report stated that the tree survey referred to in the objector's representations had been prepared at the request of the applicant, Newydd Housing Association. Some of the trees referred to in the survey had not been included in the TPO, the Elm trees for example, because of the likelihood of them being or becoming afflicted with Dutch Elm disease. Whilst it was acknowledged that some of the trees might not be of 'feature tree' quality and exhibit some structural anomalies, these same trees had stood the test of many decades without anyone approaching the authority with a view to their removal.

A 'C' grade did not preclude trees from being considered suitable for retention by a preservation order. (Even a trees with a 'U' categorisation, the lowest quality, can be worthy of retention under this survey method if they had 'identifiable conservation, heirtage or landscape value' – B.S. 5837:2012 Trees in Relation to design, demolition and construction – Recommendation). These trees were dominant on the local streetscene and with the presence of the nearby village pond, they made a considerable contribution to the rural aspect of the conservation area. They were of even more importance in this regard when it was considered that the main built area of St. Brides Major was approximately 50 metres around the bend in the road.

The objector further argued that the current scheme would ensure a good standard of tree planting with variety and 'successional tree stock' which would improve the amenity which was to be applauded. Certainly, the new planting would be of far more value to amenity *in combination* with the existing mature trees on the site. However, new planting alone usually meant very small trees with a 60 to 80mm/3 - 3 + half inch diameter with negligible canopy amounted to no visible impact and little ecological value for many years.

It was considered that the trees concerned contributed to the immediate area and to the St. Brides Major Conservation Area. The specimens were very mature and their crowns contained some of the usual symptoms of having lived for many decades such as, dieback in the crown; heavy end weighted limbs; and even some limb loss but they were not necessarily beyond remedial treatment. Even if the developer intended to retain all but one or two it was easier to ensure (and enforce) that the trees were tended with good arboricultural care in the future with a tree preservation order in effect, and thus they could be safely retained continuing to serve as a valuable feature in the landscape and an important habitat for local wildlife.

It was therefore

RESOLVED - T H A T the Order be confirmed.

#### Reason for decision

Having regard to the Authority's response.

#### 901 ENFORCEMENT ACTION (HRP) -

##### (i) Land and Buildings at Plemont, Cross Common Road, Dinas Powys -

The Committee received a report which related to the erection of a dormer extension to the rear of the dwelling house known as Plemont, Cross Common Road, Dinas Powys.

The dwelling was a semi-detached property, located in a residential area and bound to the rear by open countryside. The architectural character of the area was relatively mixed, with a number of house designs and ages.

Planning permission was granted for extensions and alterations to the dwelling in October 2014, which included the provision of a dormer extension on the rear elevation of the property.

Following an initial site inspection it was noted that dormer extension on the property did not accord with the details submitted as part of the 2014 approval. The 2014 approval included a dormer that was set off the eaves and ridge of the property, as well as being set in from the sides of the dwelling. The dormer extension erected on the dwelling goes above and beyond that granted planning consent, covering almost the entire rear elevation of the property.

The dormer extended from the side gable across almost the full width of the roof (set in approximately 0.25 metres from the neighbouring property). It was set off the ridge by 0.1 metres but had not been set in at the rear or side eaves.

The development extended beyond the scope of the planning permission and would not amount to permitted development as defined by the Town and Country Planning (General Permitted Development) Order (Amendment) (Wales) Order 2013. As

planning permission had not been granted for the works, the development was unauthorised and represented a breach of planning control.

The owner of the property was advised that the works did not benefit from planning permission and in an effort to retain the development submitted a retrospective application for the works. The owner was advised that the works were unacceptable and that the retrospective application was unlikely to receive a favourable recommendation. That application was refused. No appeal had been submitted in respect of the matter. The owner had been advised that works needed to be carried out to secure compliance with the approved scheme or that the property needed to be returned to its original condition prior to the breach occurring.

RESOLVED -

(1) T H A T the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

- (i) Removal of the dormer extension from the roof slope of the rear elevation of the Dwelling and the removal of the resultant waste material from the Land.
- (ii) Carrying out of the necessary works to make good the exposed section of the roof slope so as to reinstate the roof slope.

Or:

- (iii) The carrying out of the works necessary to alter the dormer so that it accords with the scheme of development approved by virtue of planning permission reference 2014/00990/FUL.

(2) T H A T in the event of non-compliance with the Notice, authorisation be also granted to take such legal proceedings as may be required.

#### Reason for decisions

(1&2) The dormer extension by reason of its scale, design and prominent siting in the street scene, presents unacceptable and poorly designed addition which appears as a visually dominant feature within the street scene and does not have any regard to the character and appearance of the dwelling or surrounding street scene, and is therefore contrary to Policy ENV27 – Design of New Development of the Vale of Glamorgan Adopted unitary Development Plan.

(ii) Land and Buildings at 1 Old Port Road, Wenvoe, Cardiff -

The Committee received a report in relation to proposed enforcement action at Land and Buildings at 1 Old Port Road, Wenvoe. The previous report to Committee, attached as Appendix A to the report, regarded the means of enclosure that had been erected at 1 Old Port Road, Wenvoe. The means of enclosure, which was

currently in an unfinished condition, consisted of a solid brick wall of breeze block construction. The section of wall to the east of the dwelling had the benefit of planning permission reference 2013/00148/FUL, but had not been completed in accordance with the approved scheme. The section of new breeze block wall to the south and west of the dwelling had been erected upon an existing retaining wall along the boundary of the property shared with the footway and highway at the junction of Port Road and Old Port Road. The wall had been partly finished with a stone facing. This section of new enclosure did not have the benefit of planning permission. The work had been undertaken to construct a section of timber fencing above the block wall along the boundary of the site to the west, south and east of the dwelling; this was incomplete and did not have the benefit of permission. As the footway adjoining the enclosure to the west and south of the site was sloping, the resulting height of the new boundary enclosure was estimated to range from between approximately 3 and 4 metres when measured from the level of the adjoining footway.

The previous report advised Members that, if completed in facing brick the breeze block wall would be considered visually acceptable within in context, but the timber section above the wall was considered to be excessive and visually unacceptable. Accordingly, authorisation was granted to serve an enforcement notice which required the completion of the solid brick wall in facing brick and the removal of the timber fencing above.

However, since seeking authorisation, the Council's Highway Engineer had raised concerns with regard to the stability of the means of enclosure erected above the existing retaining wall and the potential risk to highway and footway users. As noted above, the new solid brick wall and fence had been constructed on top of an existing retaining wall along the boundary to the site. That retaining wall supported the higher ground level within the site and also supported the hedgerow along the boundary that had been removed by the current owner of the site. With the addition of a substantial structure on top of the existing retaining wall, the Council's Highway Engineer was concerned that it had not been demonstrated that the historic retaining wall was originally designed or had been improved in a manner that would allow it to adequately support the additional thrust (weight) resulting from the new wall and fence.

The Enforcement Officer had advised the developer of these concerns and requested that the necessary structural details be submitted to the Council to adequately demonstrate the stability of the enclosure erected, as part of an application for planning permission for the retention of the enclosure. Despite some contact with the developer and an agent employed by the developer, neither the necessary application nor structural details had been submitted.

RESOLVED -

(1) T H A T the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:



- (i) the completion of the section of the enclosure to the east of the dwelling to accord with the 2013/00148/FUL permission, which will include the blocking up of the existing gap in compliance with this scheme;
- (ii) the complete removal of the remaining new section of solid block wall erected to the south and west of the dwelling;
- (iii) the erection of an appropriate means of enclosure away from the boundary of the site in order to overcome any impact on the safety of the occupiers of the dwelling resulting from the works required above (ii).
- (iv) the complete removal of the timber fencing erected above the new solid brick wall to the east, west and south of the dwelling.

(2) T H A T in the event of non-compliance with the Notice, authorisation be also granted to take such legal proceedings as may be required.

#### Reason for decisions

(1) By virtue of its highly visible location, the enclosure in its current, incomplete condition is poorly designed, incongruous and detrimental to the amenity of the general area, contrary to policy ENV27: Design of New Development of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice on good design contained in Technical Advice Note 12: Designs.

(2) Without the necessary evidence to demonstrate that the new means of enclosure to the west and south of the dwelling can be adequately supported by the existing retaining wall, a precautionary approach is appropriate in this case and it is assumed that the unauthorised development will cause a potential risk to users of the highway adjoining the site, in conflict with UDP policy ENV27.

#### (iii) Land and Buildings at Site of Former Quarry, Leckwith Road, Llandough -

A complaint was received by the Local Planning Authority in October 2014, regarding the potential breach of conditions of the planning permission granted for the residential development of the former quarry site, Leckwith Road, Llandough.

The site was on the south side of Leckwith Road and was currently a development site for 25 residential units. The access to the site off Leckwith Road was currently used for construction traffic, but would also be the vehicular access for the new residential units.

Planning permission had been granted for the development of the site with 25 residential dwellings. The decision notice was attached to the report at Appendix A. There had been a number of issues with regard to the development involving breaches of various conditions of the permission for the site which mainly related to ecology and highway matters. Officers were currently pursuing all outstanding

matters and some attempts had been made by the developer to seek a resolution to the various breaches of planning control. These attempts included the submission of non material amendment applications and planning applications to vary conditions of the permission, as set out in the planning history within the report.

The report related specifically to the requirements of condition 3 of the 2013/00632/FUL permission relating to the implementation of traffic calming measures on the highway adjoining the site. The condition required the submission of a scheme for traffic calming along Leckwith Road and Penylan Road and the implementation of the approved scheme. The traffic calming works should have been completed before the commencement of the development. The condition read as follows:

*No development works, including works for site clearance and land fill, shall commence on site until a scheme for traffic calming measures along Leckwith/Penlan Road has been completed. The scheme shall be in accordance with full details, including engineering details, to be submitted to and agreed in writing with the Local Planning Authority.*

The necessary scheme of traffic calming had been submitted to the Local Planning Authority in an attempt to discharge the requirements of the condition. The same details were understood to have been submitted to the Local Highway Authority and a Section 278 Agreement had been made (under the relevant highways legislation) in order for the developer to carry out the necessary traffic calming works in the highway. However, not only had the development commenced prior to the submission of these details, but it had been nearly completed without the necessary traffic calming works having been completed. Therefore, the breach of planning control, subject of the report, consisted of the failure of the developer to have approved and implemented a scheme of traffic calming prior to the commencement of the development in accordance with condition 3 of the 2013 permission.

Following the initial investigation of the matter, an application for planning permission was submitted in September, 2014, for the variation of condition 3 so as to allow the clearance of the site and land fill to commence before the completion of the traffic calming measures (2014/00949/FUL). The determination of this application had been delayed due to a number of difficulties, including incorrectly completed forms and the on-going issues with regard to the breach of other conditions of the original planning permission.

In relation to the second problem, Members were minded to note that, whilst the application sought to vary condition 3 of the 2013 permission, if permission were granted this would supersede the entirety of the 2013 permission, including all of the conditions of that permission. The new permission would be a stand-alone permission. Accordingly, any permission granted would not only have to deal with the proposed variation to condition 3, but should also be subject to a number of other conditions that would duplicate those of the 2013 permission in order to ensure a satisfactory form of development. However, the development had progressed and various breaches of a number of conditions of the 2013 permission had been identified. Furthermore, an additional application had been made to vary another condition (condition 23) of the 2013 permission (application reference

2015/00819/FUL). There were a number of matters still to be resolved before that 2015 application could be determined.

Due to the information contained within the report, the outstanding matters at the site had to be resolved prior to the determination of the 2014 application that related to condition 3. This application also had to be determined concurrently with the 2015 application. Accordingly, the 2014 application was not likely to be determined imminently. In the meantime the development was near completion and, whilst some works had been undertaken in preparation for implementation in full of the traffic calming measures, the developer had not completed these works.

RESOLVED -

(1) T H A T the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

- (i) The completion of the agreed traffic calming measures on Leckwith Road and Penlan Road.

(2) T H A T in the event of non-compliance with the Notice, authorisation be also granted to take such legal proceedings as may be required.

Reason for decisions

(1&2) The failure to comply with the condition 3 of the 2013/00632/FUL and the continued failure of the developer to carry on with the development without completing the agreed traffic calming measures on Leckwith Road and Penlan Road is considered to represent a risk to highway safety on the adjoining highway network in conflict with policies ENV27 – Design of New Developments and HOUS8 – Residential Development Criteria – HOUS2 Settlements of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 as well as the guidance provided in Technical Advice Note 18: Transport.

902 PLANNING APPLICATIONS (HRP) -

Having considered the applications for planning permission and, where necessary, the observations of interested parties, it was

RESOLVED - T H A T in pursuance of the powers delegated to the Committee, the following applications be determined as indicated and any other necessary action be taken:

**2015/01132/FUL** Received on 19 November 2015

(p60)

Jeff White Motors Limited, C/o Agent.

Geraint John Planning Limited, Sophia House,, 33, Cathedral Road,, Cardiff., CF11 9HB

## The Beachcomber, Lakeside, Barry

**[Note: The Head of Regeneration and Planning advised Members that the application had previously been for eight residential flats but had been reduced to seven]**

Proposed demolition and redevelopment of The Beachcomber, Barry for seven residential flats and associated ancillary works

RESOLVED - T H A T subject to the relevant person(s) first entering into a Section 106 Legal Agreement or undertaking to include the following necessary planning obligations:

- Pay a contribution of £14,000 towards the enhancement of public open space at the Knap gardens and/or Parade gardens
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement (in this case 20% of the planning application fee).

APPROVED subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

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

2. This consent shall relate to the following plans:

- P100, P01, P02, P03, P04 received on the 19th November 2015
- P05B, P06B, P07B, P08B, P09C received on the 14th January 2016
- P10A received on the 15th February 2016.

and the development shall at all times thereafter be carried out in accordance with the above plans, unless any other condition of this planning permission requires otherwise.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

3. Prior to the commencement of development, details (including sections and full engineering details of any retaining structures) of the finished levels of the application site and building in relation to existing ground levels and those of the adjoining land shall be submitted to and approved in writing by the Local

Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure the development accords with Policies ENV27 and HOUS8 of the Unitary Development Plan.

4. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to their construction or erection in the development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order no fence, wall or means of enclosure (other than those approved by details submitted in respect of conditions of this planning permission) shall be erected, constructed, improved or altered on site without the prior consent of the Local Planning Authority.

Reason:

To ensure visual amenity is safeguarded and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. Prior to their use in the construction of the development hereby approved, a schedule and samples of all proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and maintained in accordance with the approved samples.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

7. Prior to the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner; a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

9. Prior to their use in the development hereby approved, further details and samples of all elements of hard landscaping/hard surfacing, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out and at all times thereafter maintained in accordance with the approved details.

Reason:

In the interests of visual amenities and to ensure compliance with Policies ENV27 and HOUS8 of the Unitary Development Plan.

10. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, the associated access and turning areas, have been laid out in full accordance with plan P03 hereby approved, and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

11. Prior to the commencement of development, a Construction and Environmental Management Plan to include such matters as the control of noise, vibration, dust and other deposits (and to include proposed hours of working during the development construction phase) shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented throughout the course of the construction phase of the development.

Reason:

To safeguard the amenities of neighbouring properties and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

12. The Development shall at all times be carried out in accordance with the recommendations within the document entitled `Celtic Ecology Bat Survey Report September 2015`.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

13. Prior to the commencement of development, the local planning authority shall be provided with a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified activity/development to go ahead.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

14. Prior to the commencement of development, full details of a scheme for the comprehensive drainage of the site shall be submitted to and approved in writing by the Local Planning Authority, and the scheme shall include an assessment of the potential to dispose of surface and land water by sustainable means. The approved drainage scheme shall be implemented prior to the first beneficial occupation of any of the flats and at all times thereafter the development shall be maintained/drained in accordance with the approved details.

Reason:

To ensure the adequate drainage of the site, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

15. The following windows shall be glazed using obscured glass to a minimum of level 3 of the `Pilkington` scale of obscuration at the time of the construction of the development hereby approved (and prior to the first beneficial use of the flat they are serving), and be so maintained at all times thereafter:

- The two windows in the side elevation facing eastwards, as shown on Plan P07B.
- The bathroom window serving flat 6 and the second floor stairwell window.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

16. Prior to the first beneficial occupation of flats 4 or 7 (as shown on plans P04 and P05B), details of 1.8m high privacy screens to be erected at the eastern side of the balconies shall be submitted to and approved in writing by the local planning authority. The approved screens shall be erected prior to the first beneficial occupation of the flat that they relate to and shall be so retained at all times thereafter.

Reason:

In order to protect the privacy of the neighbouring property and to ensure compliance with Policies ENV27 and HOUS 8 of the Unitary Development Plan.

17. Prior to the first beneficial occupation of flat 5 (as shown on Plan P05B) the 1.8m high privacy wall to the rear of the outdoor terrace (as shown on this plan) shall be erected/constructed in full. This privacy wall shall be so retained at all times thereafter.

Reason:

In order to protect the privacy of the neighbouring property and to ensure compliance with Policies EN 27 and HOUS8 of the Unitary Development Plan.

**2015/01165/CAC** Received on 19 November 2015

(p98)

Jeff White Motors Limited C/o Agent

Geraint John Planning Limited Sophia House, 33, Cathedral Road, Cardiff, CF11 9HB

### **The Beachcomber, Lakeside, Barry**

Proposed demolition and redevelopment of The Beachcomber, Barry for seven residential flats and associated ancillary works

APPROVED subject to the following condition(s):

1. The works hereby permitted shall be begun before the expiration of five years from the date of this permission.



Reason:

To comply with the requirements of Section 75 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. No demolition shall take place on site until either a contract for the redevelopment of the site in accordance with planning application reference 2015/01132/FUL has been entered into (and details of this submitted in writing to the Local Planning Authority) or a scheme for the clearance and restoration of the site has been submitted to and approved in writing by the Local Planning Authority, and the redevelopment or restoration of the site shall be commenced within three months of the demolition of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of the character and appearance of this part of the Conservation Area in accordance with Policies ENV20 - Development in Conservation Areas; and ENV21 - Demolition in Conservation Areas of the Unitary Development Plan.

3. The Development shall at all times be carried out in accordance with the recommendations within the document entitled `Celtic Ecology Bat Survey Report September 2015`, other than where the recommendations relate to provisions for permanent bat boxes on the building proposed by planning application 2015/01132/FUL.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV 16 of the Unitary Development Plan.

4. Prior to the commencement of development, the local planning authority shall be provided with a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified activity/development to go ahead.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV 16 of the Unitary Development Plan.

**2015/01256/FUL** Received on 9 December 2015  
(p109)

Mr. John Rosser 3, The Courtyard, Michaelston le Pit, Vale of Glamorgan, CF64 4HE

Mr. John Rosser Courtyard Architectural Services, 3, The Courtyard, Michaelston le Pit, Vale of Glamorgan, CF64 4HE

**Land at rear of 11, Whitcliffe Drive, Penarth**

Proposed new dwelling house

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

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

2. The development shall be carried out in accordance with the following approved plans and documents: 062 PA/05 B, 062 PA/03 B, 062 PA/02 B, 062 PA/04 B all received 15 January 2016, 062 PD/01, Design and Access Statement, originally registered 28 October 2015.

Reason:

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

3. The implemented drainage scheme for the site should ensure that all foul and surface water discharges separately from the site and land drainage or surface water run-off shall not discharge, either directly or indirectly, into the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policy ENV27 of the Unitary Development Plan.

4. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on plan 062 PA/05B and the parking and access shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. Prior to their use in the construction of the development, including any hard surface areas, hereby approved, a schedule of the proposed materials to be used shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development, to ensure that the development does not cause or exacerbate flooding and to ensure compliance with Policies ENV27 and ENV29 of the Unitary Development Plan

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, or any Order revoking or re-enacting that Order, no windows shall be inserted above ground floor level in the side elevations of the dwelling hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To safeguard the privacy of adjoining occupiers, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order) the rooflight windows in the side elevations of the dwelling hereby approved shall be glazed using obscured glass to a minimum of level 3 of the `Pilkington` scale of obscuration at the time of the construction of the development hereby approved and prior to the first beneficial occupation of dwelling and shall thereafter be so maintained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

8. Prior to the first occupation of dwelling, details of a balcony screen, no less than 1.8 metres in height and to be positioned to the east side of the front balcony (accessed via bedroom 1), shall be submitted to and approved in writing by the Local Planning Authority. The screen shall be fixed in place in

accordance with the approved details prior to the first occupation of the dwelling and shall thereafter be so retained at all times.

Reason:

To protect the amenities of neighbours, in accordance with policy ENV 27 of the Vale of Glamorgan Unitary Development Plan.

9. Notwithstanding the submitted details, all means of enclosure associated with the development hereby approved, including the sliding gate to the front boundary, shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

To safeguard local visual amenities and in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

10. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of the dwelling hereby approved.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.