

PLANNING COMMITTEE

Minutes of a meeting held on 22nd January, 2020.

Present: Councillor J.C. Bird (Chairman); Councillor B.T. Gray (Vice-Chairman);
Councillors: L. Burnett, Mrs. C.A. Cave, Mrs. P. Drake, S.T. Edwards, N.P. Hodges,
Dr. I.J. Johnson, G.C. Kemp, P.G. King, A.C. Parker, L.O. Rowlands, N.C. Thomas,
Mrs. M.R. Wilkinson, E. Williams and Ms. M. Wright.

611 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chairman read the following statement:

“May I remind everyone present that the meeting will be broadcast live via the internet and a recording archived for future viewing.”

612 APOLOGIES FOR ABSENCE –

These were received from Councillor V.P. Driscoll.

613 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 18th December, 2019 be approved as a correct record.

614 DECLARATIONS OF INTEREST –

No declarations were received.

615 SITE INSPECTIONS –

RESOLVED – T H A T the attendance of the following Councillors at the site visits held on 18th December, 2019 be noted:

Apologies for all sites were received from Councillors L. Burnett, Mrs. C.A. Cave, B.T. Gray, N.P. Hodges, P.G. King, L.O. Rowlands and E. Williams.

Apologies for site (a) only were received from Councillor Mrs. M.R. Wilkinson.

(a) The Windsor, 166-170 Holton Road, Barry, CF63 4HL	Councillor J.C. Bird (Chairman); Councillors Mrs. P. Drake, V.P. Driscoll, S.T. Edwards, Dr. I.J. Johnson, A.C. Parker and N.C. Thomas.
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(b) Sea View Labour Club, Dockview Road, Barry, CF63 3QQ	Councillor J.C. Bird (Chairman); Councillors Mrs. P. Drake, V.P. Driscoll, S.T. Edwards, Dr. I.J. Johnson, A.C. Parker, N.C. Thomas and Mrs. M.R. Wilkinson.
(c) Castle Hotel, 44 Jewel Street, Barry, CF63 3NQ	Councillor J.C. Bird (Chairman); Councillors Mrs. P. Drake, V.P. Driscoll, S.T. Edwards, Dr. I.J. Johnson, A.C. Parker, N.C. Thomas and Mrs. M.R. Wilkinson.

616 BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS (HRP) –

RESOLVED –

(1) T H A T the passed building regulation applications as listed in Section A of the report be noted.

(2) T H A T the rejected building applications as listed in Section B of the report be noted.

(3) T H A T the serving of Notices under Building (Approved Inspectors Etc.) Regulations 2000, as listed in Section C of the report, be noted.

(4) T H A T the serving of Notices under Section 32 of the Building Act 1984, as listed in Section D of the report, be noted.

617 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 under the above delegated powers be noted:

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)	

R - Refused

U - Undetermined

RE - Refused (Enforcement Unit Attention)

V - Variation of condition(s) approved

2014/00460/1/N MA	A	Land adjacent St. Josephs School, Sully Road, Penarth	Non Material Amendment - Revised wording of conditions 3, 4, 5, 7, 8, 12, 15, 16, 23, 25 & 26. Change of use of agricultural land to residential development (C3) consisting of the demolition of two disused agricultural buildings and the development of residential dwellings, public open space, landscaping, highway improvements and associated engineering works.
2014/00460/11/N MA	A	David Wilson Homes, Manor Park, Sully Road, Penarth	Non-Material Amendment application to vary the wording of conditions 20, 21 and 22 of Planning Permission ref. 2014/00460/FUL [Change of use of agricultural land to residential development (C3) consisting of the demolition of two disused agricultural buildings and the development of residential dwellings, public open space, landscaping, highway improvements and associated engineering works] in order to change the timescales trigger for approval of details in relation to the Local Equipped Area of Play (LEAP), Local Area of Play (LAP) both referred to as Public Open Space (POS) and Public art.

2014/00460/2/C D	A	Land adjacent St. Josephs School, Sully Road, Penarth	Discharge of Conditions-3, 4, 5, 7, 8, 9, 12, 13, 15, 16, 23, 24, 25, 26 and 27. Change of use of agricultural land to residential development (C3) consisting of the demolition of two disused agricultural buildings and the development of residential dwellings, public open space, landscaping, highway improvements and associated engineering works.
2014/00460/4/C D	A	Manor Park Residential Development, Sully Road, Penarth	Discharge conditions 20, 21 and 22 relating to planning permission 2014/00460/FUL: Land adjacent to St. Joseph Primary School.
2015/00662/5/N MA	A	Land to the east of Mink Hollow, St. Nicholas	Non-material amendment to planning permission 2015/00662/FUL (proposed residential development for 17 dwellings and associated highway and ancillary works): Variation of condition 24 to retain acoustic glazing installed in plots 1,2, 16, and 17.

2015/01093/1/C D	A	Land at North East of St. Hilary	Discharge of conditions 11 (Boundary), 12 (Access Improvements), 13 (Contamination Risk Assessment), 14 (Contamination Works Completion Report and Long Term Monitoring and Maintenance Plan), 15 (Long Term Contamination Monitoring and Maintenance Plan), 17 (Drainage Details) and 18 (Earth Works) of planning permission 2015/01093/OUT (Construction of a rural enterprise dwelling along with associated equestrian buildings and landscaping utilising the existing vehicle access to the site).
2016/01363/1/N MA	R	Brooklands, Brook Lane, St. Nicholas	Non-material Amendment: Proposed amendments to development approved under planning permission 2016/01363/FUL (Renewal of planning permission 2011/00898/FUL (variation of condition 1) for a new detached dwelling to extend the time period for the commencement of development by 5 years).
2017/01337/2/N MA	A	St. Pauls Church, Arcot Street, Penarth	Non-material Amendment: Revision of rear roof pitch coverings from Euroclad metal sheeting to single ply standing seam roof covering. Planning Application 2017/01337/FUL- Redevelopment of the former St. Pauls Church site (including demolition of existing building with retention of front church elevation) to create 14 one

			and two-bedroom affordable housing units; multi-purpose community hall (368 sq.m.); landscaping; car/cycle parking; access; and associated works.
2018/00072/2/C D	A	The Tower, Tower Hill, Penarth	Discharge of Condition 3 schedule of materials (alternative timber cladding from that approved) Planning permission 2018/00072/FUL:-External and internal alterations.
2018/00515/1/C D	A	Landfill at Dow Silicones UK Ltd, Cardiff Road, Barry	Discharge of Condition 5-CTMP. Planning Ref 2018/00515/FUL- Variation of Condition 2 (plans), Condition 3 (landfill levels) and Condition 4 (watercourses) of Planning Permission 1986/00412/FUL to facilitate restoration capping works to former landfill area and associated surface water drainage works at Landfill at Dow Silicones UK Ltd, Cardiff Road, Barry.
2018/00592/2/C D	A	South Haven Phase 2, Barry Waterfront, Barry	Discharge of Conditions 10 (Landscape and Landscape Management Plan) and 11 (Shop Front Detail Design). Planning Permission ref. 2018/00592/RES: Approval is sought for the access, appearance, landscaping, layout and scale for a residential development and associated infrastructure.

2018/00598/FUL	A	British Telecom Telephone Exchange, Dock View Road, Barry	Cooling and ventilation upgrade to the first floor of the telephone exchange as part of a national roll out. Installation of Adiabatic cooling system, which requires 1 no. new external louvre within an existing first floor window opening on the East elevation.
2018/01139/1/C D	A	The Woodlands Lodge, Hayes Road, Sully	Discharge of Condition 3 (Materials) of Listed Building Consent ref.2018/01139/LBC: The conversion of a former mortuary to a dwelling house - seeking retrospective approval of details reserved by Conditions 3 & 5 listed building consent ref: 2017/00679/LBC.
2018/01422/1/N MA	A	Valegate Retail Park, Culverhouse Cross	Non Material Amendment- Entrance feature signage zones amended in size, a nominal increase in width of 300mm to each side of the entrance door. Additionally, Unit 7 sign on North elevation to remain as existing triangular gable feature and new cladding over existing signage panels outside Unit 1B.
2019/00002/FUL	R	1, Cog Road, Sully	Demolition of existing dormer bungalow [No.1 Cog Road], and development of 5 No. detached dwellings on land to the rear of Cog Road.

2019/00230/1/N MA	A	212, Holton Road, Barry	Non Material Amendment to Condition 3 - stainless steel guardrails with obscure double layered bamboo screen to both sides of roof terrace 1.8m high (b) for Planning Permission 2019/00230/FUL.
2019/00304/1/C D	A	Tudor Lodge, Cowbridge Road, Ystradowen	Discharge Condition 5- Cemp-Planning Permission 2019/00304/FUL:- Demolition of substandard four bed detached dwelling with replacement upgraded four bed roomed detached dwelling.
2019/00532/1/C D	A	Hensol Castle, Hensol Castle Park, Hensol	Discharge of conditions 4 (extraction details) and 5 (liquid waste) of planning permission 2019/00532/FUL (Change of use of part of the approved bar/restaurant building for the hotel, for use as a gin distillery).
2019/00706/FUL	A	4, Old Port Road, Wenvoe	Erection of outbuilding for a sauna, gym and storage.
2019/00722/FUL	R	30, Atlantic Place, Barry	Proposed 2 bedroom end of terrace dwelling to side of 30, Atlantic Place.
2019/00806/OUT	R	Land adjacent to former Carpenters Arms near to Eagle Road, Boverton	New domestic two bedroom bungalow.
2019/00906/FUL	A	6, Robinswood Crescent, Penarth	Demolition of existing garage, conservatory to rear and canopy to the front of the property and construction of new brick and block/render 2 storey flat roof extension to the side and rear and a new brick / block render single storey flat roof extension to

			the rear, entrance porch and new canopy to the front. Existing roof tiles to be replaced with slate tiles and render finish to be painted dark grey. Existing driveway to be widened.
2019/00941/FUL	A	Spar Stores, 17, Boverton Road, Llantwit Major	The retrospective application for the installation of an ATM installed through a secure panel to the right hand side of the shop front.
2019/00942/ADV	A	Spar Stores, 17, Boverton Road, Llantwit Major	The retrospective application for internally illuminated signage surrounding an ATM to the right hand side of the shop front.
2019/00978/LAW	A	10, Elmgrove Road, Dinas Powys	To remove the badly leaking slate and glass roof and replace it with a flat roof with an integral glass lantern all materials are to be appropriate to the existing building the new footprint will be slightly smaller than the existing one.
2019/01024/FUL	A	7, Broad Street, Barry	Change of use of first and second floor from maisonette to 4 no. flats.
2019/01037/FUL	A	50, Wenvoe Terrace, Barry	Raised decking at rear of property level with the ground level of the house. Steps down to the garden level to replace the old metal fire exit area and stairs.
2019/01047/FUL	A	Plot 99, Heritage Gate, Llantwit Major	Proposed alteration of approved dwelling to include rear conservatory extension.

2019/01056/FUL	A	Plot 19, Heritage Gate, Llantwit Major	Proposed alteration of approved dwelling to include rear conservatory extension.
2019/01059/FUL	A	55, Bron Awelon, Barry	Proposed 2 storey extension to side with single storey porch to front.
2019/01068/FUL	A	Glenrise, 145, Lavernock Road, Penarth	Demolition of existing rear garage structure. Proposed loft conversion comprising hip-to-gable extension, rear dormer structure and insertion of roof lights. Proposed front porch and rear single storey extensions(s); all with associated external works.
2019/01088/FUL	A	Profile, 98, Holton Road, Barry	Variation of planning permission 2017/01246/FUL for a shop front refurbishment with conversion of the first and second floors to create three number self contained flats, in order to include a box dormer to the rear annex.
2019/01089/FUL	A	7, Main Avenue, Peterston Super Ely	New dual pitched roof to existing front bedroom to replace existing failing flat roofed dormer. Demolition of existing dilapidated flat roofed single storey utility and store room and replacement with a single storey monopitched extension.
2019/01093/FUL	A	Bron Haulog, Port Road West, Penmark	Farmhouse - Amend Agricultural Occupancy Condition to TAN 6 wording.

2019/01097/FUL	A	5, Newbarn Holdings, St. Athan Road, Flemingston	Extension to side and rear, the extension will be double storey to the side and single storey to the rear.
2019/01106/FUL	A	65, Nant Talwg Way, Barry	Single and double storey rear extension plus all associated works.
2019/01111/FUL	A	Rockleigh, Southra, Dinas Powys	Renew balcony, refurbish existing basement as a utility room with new door opening into the garden. New side steps from balcony to the garden to replace existing.
2019/01114/FUL	A	Glandwr, Beach Road, Sully	Orangery style rear extension, renewal of approval 2013/00930/FUL.
2019/01118/FUL	A	5, Darren Close, Cowbridge	First floor dormer extension over garage and a single storey ground floor extension to rear and metal chimney to side elevation for wood burner.
2019/01123/FUL	A	Home Farm, Swanbridge Road, Sully	Proposed new access off existing track and off road car parking for Home Farm and the homestead dwellings contained within the curtilage of Home Farm House.
2019/01132/FUL	A	April Winds, 8, Chapel Close, Aberthin	Remove existing overgrown hedge by end block garage and parking area associated with 8 Chapel Close and build 1 metre high timber feather edge fence.

2019/01137/FUL	A	247, Holton Road, Barry	The retrospective application for the installation of an ATM installed through a secure panel to the left hand side of the shop entrance.
2019/01138/ADV	A	247, Holton Road, Barry	The retrospective application for the installation of an illuminated ATM installed through a secure panel to the left hand side of the shop entrance.
2019/01141/FUL	A	33, Holton Road, Barry	Subdivision and Change of Use to Class A2 (Financial and Professional Services) at Ground Floor and Three Class C3 (dwelling houses) Self-Contained Apartments at Ground, First and Second Floors (one at each floor) and Associated Alterations.
2019/01142/FUL	A	Travis Perkins Limited, Unit 21, Llandow Trading Estate, Bona Road, Llandow	Construction of a new storage building, erection of 3m high compound fencing, reconfiguration of materials storage areas and associated works.
2019/01145/FUL	A	10, Victoria Road, Penarth	To reinstate the original height of longstanding boundary fence, permission for fence along front boundary to highway to a maximum height of 1.8m.
2019/01150/FUL	A	Flat 31D, Holton Road, Barry	Proposed first floor extension over terrace to form dining room.
2019/01151/LBC	A	Tinkins Hall, Cowbridge Road, St. Nicholas	Listed Building Consent for the inclusion of secondary windows behind (internally) the existing windows.

2019/01152/FUL	A	29B High Street, Cowbridge	Change use from B1 class to Sui Generis. The unit 29B situated behind 29A is proposed to be used as a private appointment only tattoo clinic and Art gallery. There will be no access to these premises for the general public as all appointments are booked in advance for one client per day.
2019/01155/LAW	A	51, Pantycelyn Road, Llandough	Proposed conversion of the existing garage into a habitable space.
2019/01156/FUL	A	46, Slade Close, Sully	The addition of an extension to the left elevation on the property. The extension to be two storey at the rear and a single storey at the front.
2019/01160/RG3	A	Llanfair Primary School, St. Mary Church	Removal of one demountable classroom, to be replaced by a new unit in an alternative location. Installation of an additional demountable unit for childcare provision. Works to include erection of a canopy shelter, ramped access and all associated site preparation and external works.
2019/01161/FUL	R	Bay View, 59, Main Road, Ogmore By Sea	Remodelling of existing property to include addition of first floor with front balcony, ground floor extension and external alterations, widening of existing access.
2019/01166/RG3	A	Gladstone Primary School, Gladstone Road, Barry	Installation of a demountable unit to accommodate a childcare provision. Works to include construction of a

			decked area, canopy shelter and associated site preparation and external works.
2019/01168/LAW	R	33, Pinewood Square, Eglwys Brewis	Construct a 4m x 4m conservatory.
2019/01173/FUL	R	Navron, Boverton Road, Boverton, Llantwit Major	The reconstruction of the stone boundary wall with a traditional stone wall within the curtilage of the dwelling to create a layby for accessible car parking.
2019/01174/LBC	R	Navron, Boverton Road, Boverton, Llantwit Major	The reconstruction of the stone boundary wall with a traditional stone wall within the curtilage of the dwelling to create a layby for accessible car parking.
2019/01178/FUL	A	Windsor Lawn Tennis Club, Larkwood Avenue, Penarth	Erect a floodlit paddle court to allow public and club members to play paddle tennis. Currently club land left as open grass space.
2019/01183/LAW	A	3, Arlington Road, Sully	Proposed rear dormer and roof lights to front elevation.
2019/01184/FUL	A	4, Sullivan Close, Penarth	Two storey rear extension.
2019/01190/FUL	A	19, Waun Ganol, Penarth	Loft conversion with rear dormer.
2019/01192/FUL	A	1, Earl Road, Penarth	Single storey extension to the rear of the house.
2019/01201/FUL	R	7, Sycamore Close, Llandough	Part three storey part two storey rear extension with raising of ridge height and alteration works.

2019/01202/FUL	A	61, Redlands Road, Penarth	Proposed demolition of two storey extension, erection of single storey extension with loft conversion and dormer to rear.
2019/01203/FUL	A	Court House Farm, Wick Road, Ewenny	Erect agricultural building for storage of winter fodder, machinery and agricultural equipment.
2019/01204/PND	F	Darren Farm, Westgate, Cowbridge	Demolition of all agricultural buildings within the site.
2019/01206/FUL	A	29, Eastgate, Cowbridge	Replacement of existing single storey rear extension and terraced area with new single storey rear extension and terraced area.
2019/01207/FUL	A	14, Ash Lane, Eglwys-Brewis	Proposed single storey rear extension and two storey side extension with new driveway entrance.
2019/01213/LAW	A	48, Illtyd Avenue, Llantwit Major	Convert the existing garage to provide an extension to the kitchen and a toilet/shower room.
2019/01215/FUL	A	36, Laburnum Way, Penarth	Single and Double storey rear / single storey side extensions plus all associated works.
2019/01217/FUL	A	Former Waitrose, Palmerston Road, Barry	The installation of roller shutter to enlarged opening in rear elevation.
2019/01222/ADV	E	Valegate Retail Park, Culverhouse Cross	3 no. Totem signs, 2 no. 8000mm height, 2100 width and 410mm depth. 1 no. 3000mm height, 1950mm width and 410mm depth.

2019/01224/FUL	A	4, Nordale Road, Llantwit Major	Partial demolition of rear conservatory structure, to reutilise foundations to provide sun lounge and balcony to first floor level.
2019/01229/FUL	A	6, Waun Ganol, Penarth	Loft conversion.
2019/01231/FUL	A	Bancroft, 4, Lower Cwrt-Y-Vil Road, Penarth	Single storey rear extension, re-roofing with PV array, window replacement and installation of air source heat pump.
2019/01240/LAW	A	4, Min Y Mor, Barry	New roof over existing conservatory and garage conversion into granny annex.
2019/01243/FUL	A	Plot 98, Heritage Gate, Plasnewydd Walk, Llantwit Major	Proposed rear conservatory extension.
2019/01250/PND	A	Mod Site, Cowbridge Road, St. Athan	Phase A1, Demolition of buildings at Bro Tathan Business Park.
2019/01251/FUL	A	16, Michaelston Close, Barry	Construction of double storey extension to the car park side (front) of the property.
2019/01252/FUL	A	35, Powys Gardens, Dinas Powys	Single storey side extension to form bathroom and utility room.
2019/01257/FUL	A	13, Porlock Drive, Sully	Single storey rear extension. Conversion of existing garage into habitable space.
2019/01266/OBS	P	St. Marys Church, Cowbridge	Proposed overhead line works.
2019/01327/PNA	A	Duffryn Mawr Farm, Pont Sarn Lane, Clawdd Coch	Extension to existing farm building for the provision of hay storage.

2019/01358/OBS B Barry Grounds LU115 and Barry maintenance dredge
LU110, Port of Barry disposal – Renewal.

618 APPEALS (HRP) –

RESOLVED –

- (1) T H A T it be noted that no planning appeals were received.
- (2) T H A T it be noted that no enforcement appeals had been received.
- (3) T H A T the planning appeals decisions as set out in Section C of the report be noted.
- (4) T H A T the Enforcement Appeal decisions as listed in Section D of the report be noted.
- (5) T H A T the statistics relating to the appeals for the period April 2019 – March 2020 as detailed in Section E of the report be noted.

619 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
E Split Decision

R - Refused

2019/00664/TPO	A	Robin Hill, Castle Court, Llandough	Work to Trees covered by TPO no. 1 of 1950 - T1 and 2 Conifers – Removal.
2019/01188/TCA	A	Crossways, 22A, Victoria Square, Penarth	Work to trees in Penarth Conservation Area: Irish Yew Right Hand side of front gate - Crown Lift. 3 Yew trees and 1 Cypress Right Hand side of property – Cut Back. Dead Plum – Front Garden – Fell.

2019/01227/TCA	A	8, Albert Court, Albert Crescent, Penarth	Work to trees in Penarth Conversation Area: Fell Pine and Beech.
2019/01228/TPO	A	Port Road Woodland, Opposite Bryn Hafren School, Barry	Works to trees covered by Tree Preservation Order No. 04, 1951 at Port Road Woodland opposite Bryn Hafren School, Barry.
2019/01236/TPO	A	23 Maillards Haven, Penarth	TPO No.1 1988 – PO Cherry tree – front right of property, reduce height by 1.5m and shape 2 x Lime trees front left side of drive, reduce to within 1m (above or below) of previous points to form a flowing branch line and shape.
2019/01273/TCA	A	Malefant Grange, Llanmaes	Work to Trees in a Conservation Area: To cut down a Copper Beech tree located in front garden.
2019/01299/TCA	A	Lansdowne, St. Hilary	Work to Trees in a Conservation Area: T1 crown reduction of Magnolia.
2019/01324/TCA	A	67, Plymouth Road, Penarth	Works to Trees in a Conservation Area 2 Apple trees, 1 Fir tree, 1 Rowan tree, 1 ornamental tree, 1 Hawthorn tree – all 6 trees are in the back garden.

(ii) To Confirm Tree Preservation Order No. 12, 2019 for Trees at 23 Caerleon Road, Dinas Powys –

The tree had been assessed and considered for a Tree Preservation Order (TPO) following concerns raised by the tenant / occupier of 23 Caerleon Road. The main issue was whether the tree provided sufficient public amenity to warrant the serving of a TPO.

A site visit was carried out on 13th November, 2019 and 14th November, 2019, and a Tree Evaluation for Tree Preservation Orders (“TEMPO”) assessment was undertaken in order to assess the contribution of the tree to amenity. TEMPO was a standardised method to assess if a tree merited a TPO.

The TEMPO assessment took into account the amenity of the tree, considering its condition, likely retention span and relative public visibility. The assessment also considered any other special factors. Finally the assessment considered the level of threat to the tree and hence the expediency of taking action by imposing a TPO. Using the TEMPO scoring criteria and guidance, the Oak tree (shown within the report on the plan as T1) resulted in a score of 17, meaning that the tree “definitely merited TPO”.

There were other trees in the garden of 23 Caerleon Road, but due to their size, location and condition, the other trees were not deemed to merit a TPO.

As a consequence of the above assessment, a TPO was served on 23 Caerleon Road on 15th November 2019. Letters were sent to the owners and the occupier of the site, as well as all neighbouring properties, inviting comments of support or objection, within 28 days.

One letter of support was received, from the occupier of the site. The owners of the site (a housing association) had verbally stated that they would not oppose the TPO, but had provided no written representation. One letter of objection had been received from a neighbouring property, who raised a number of objections to the TPO – which were as follows:

- Timing of the Serving of the TPO

The objector stated that the TPO should have been served before the new development was granted planning permission, so they would have known the tree was protected before they purchased the neighbouring property.

A TPO was not served on the tree at 23 Caerleon Road prior to the planning consent for the new development at Caerwent Gardens because the tree was outside of the development site and there was, at the time, no reason to believe that the tree was at risk. The serving of a TPO was often a reactive process which resulted from the Local Planning Authority becoming aware of a risk to a tree which was considered to have amenity value to an area. Following an assessment of the tree, it was considered expedient to serve a TPO.

The relevant legislation did not specify any set timing for the initial serving of a TPO, and the timing in this case was not a sufficient reason to refuse the confirmation of the TPO.

- Alleged Impact on the Value of the House

The objector had stated that they believed that if the TPO on the neighbouring property was confirmed, that it would decrease the potential value of their property. Any alleged impact of a TPO on the value of a house was not a material consideration under the relevant legislation. In addition, no evidence had been made available to support the claim that the presence of a protected tree on neighbouring land reduced the value of a property.

- The Impact of Overhanging Branches and the Impact on Light

The objector had stated that they were concerned about the impact of overhanging branches, though the exact nature of the concern was not specified. They also stated that the tree impacted on light to their garden.

It should be noted that when a tree was protected by a TPO, it did not mean that no work could be undertaken to it. A TPO simply meant that any work which was proposed to be undertaken to the tree needed the permission of the Local Planning Authority. An application for work to a TPO tree was free and could be made by anyone.

As and if overhanging branches impacted negatively on the objector's property, in a direct and evidenced way, then an application for work to remove branches could be made and would be considered under the set TPO application processes. If the works were justified, permission could be granted.

Complete removal of a protected tree to prevent a garden from being shaded, was unlikely to be considered acceptable, whilst the tree remained healthy. However, ongoing modest works (e.g. crown lift, crown reduction, removal of certain limbs) to manage the size and spread of a protected tree could be considered acceptable, even where a TPO was confirmed.

Consequently, the possible future desire or need to remove branches or reduce the size of the tree was not considered to be a suitable reason to not confirm the TPO. Following confirmation of the TPO, works could be applied for, and if justified, permission for the works could be granted.

- Bird Feeders and Rats

The objector had stated that numerous bird feeders had been placed in the tree, which attracted excessive numbers of birds. They went on to state that the resultant droppings made it difficult to dry clothes outside and the excess food attracted rats.

The Local Planning Authority had no power to control if, how or where people choose to feed birds, and this could take place from a bird table or feeder attached to a fence, regardless of the presence of a tree. The presence of birds and their droppings, or excess bird food in a garden would not be considered to be a justification to refuse the confirmation of a TPO.

The objector had been advised to contact Shared Regulatory Services if they had ongoing concerns regarding rats, and/or to discuss their concerns directly with their neighbour.

As set out above, it was considered justified to serve a TPO which covered the Oak tree at 23 Caerleon Road, Dinas Powys. Whilst an objection had been raised to the TPO, it was considered that none of the issues raised by the objector provided sufficient justification to refuse the confirmation of the TPO.

It was therefore

RESOLVED – T H A T the Order be confirmed.

Reason for decision

Having regard to the Authority's response.

620 PLANNING APPLICATIONS (HRP) –

Having considered the application 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 application be determined as indicated and any other necessary action be taken.

2019/00947/FUL Received on 23 October 2019

(P. 38)

APPLICANT - Mr. David Lewis 1, Pen-y-Bryn, Trerhyngyll, Cowbridge, Vale of Glamorgan, CF71 7TP

AGENT - Creative Design Solutions 23, Hop Yard Meadow, Cowbridge, Vale of Glamorgan, CF71 7AH

1, Pen Y Bryn, Trerhyngyll, Cowbridge

Two storey extension to side and rear and single storey rear extension

APPROVED subject to the following condition(s):

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

Reason:

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

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

FP06A - Proposed Ground Floor Plan

FP07A - Proposed First Floor Plan

FP05A - Proposed Elevations

FP08B - Proposed block plan

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. R4 CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

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

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

- Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

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

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

Reason for decision

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

Having regard to Policies SP1 – Delivering the Strategy, MD1 – Location of New Development, MD2 - Design of New Development and MD12 – Dwellings in the Countryside, of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice contained within the Council’s Supplementary Planning Guidance on Residential and Householder Development, Planning Policy Wales 10th

Edition and Technical Advice Note 12 – Design (2016), the proposal is considered acceptable in terms of its scale, design, impact on neighbours and impact on amenity space.

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.