

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 OCTOBER, 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:

2021/0012/PV	AC	7, Nant Talwg Way, Barry, CF62 6LZ	Two storey side extension
2021/0034/PO	AC	37, Lowfield Drive, Thornhill, Cardiff. CF14 9HT	Two storey side extension - single storey rear extension and new front porch
2021/0035/PO	AC	33, St. Andrews Drive, Blackwood. NP12 2ET	Proposed single storey rear extension
2021/0054/RG	A	10, Harlech Drive, Dinas Powys, CF64 4NZ	Re-roof
2021/0058/RG	A	201, Cardiff Road, Dinas Powys, CF64 4JW	Widening second floor window with patio door and Juliet balcony
2021/0467/BN	A	8 Ca'r Pwll, Dinas Powys, CF64 4UJ	Remove current conservatory and build a single deck extension
2021/0567/BN	A	12, Nant Canna, Treoes, CF35 5DE	Single extension 17 foot by 9 foot and take down 2 walls in the inside of the house
2021/0629/BN	A W	53, Cog Road, Sully. CF64 5TE	Demolition of existing garage and outbuilding and construction of granny annexe
2021/0654/BN	A	35, Clos Mancheldowne, Barry. CF62 5AB	Conversion of existing garage to a garden room

2021/0673/BR	AC	71, Llanmaes Road, Llantwit Major. CF61 2XE	Single storey rear extension, internal alterations including erection of partitions in the existing first floor loft conversion to form a bathroom and bedroom
2021/0676/BR	AC	17, Colhugh Park, Llantwit Major. CF61 1RU	Proposed single storey extension with terrace above
2021/0681/BN	A	Flat 11, Yew Tree Court, St. Nicholas Close, Barry. CF62 6RS	Knock Through
2021/0683/BN	A W	9, River Walk, Llantwit Major, CF61 1SY	Single storey side and rear extension and convert existing garage to bedroom
2021/0685/BR	AC	50, Castle Drive, Dinas Powys. CF64 4NQ	Erection of single storey rear extension to a bungalow
2021/0686/BR	AC	Gelliaraul Farm, Lime Kiln Lane, Llangan. CF35 5DN	Barn Conversion to holiday let property
2021/0694/BR	AC	Former Albert Road Methodist Church, Albert Road, Penarth. CF64 1BX	The project involves refurbishment of the former Albert Road Methodist Church to accommodate: a dance studio, 16 no. offices, 7 no. health and wellbeing clinics and a small roof top terrace
2021/0697/BN	A	Ty Pererin, Colhugh Street, Llantwit Major, CF61 1RF	Single storey extension to lounge to form garden room
2021/0698/BN	A W	54, Fairfield Rise, Llantwit Major, CF61 2XG	Single storey extension and detached garage
2021/0699/BN	A	Bay View, 59, Main Road, Ogmere By Sea, CF32 0PL	New two storey detached dwelling
2021/0700/BN	A	69, Cornerswell Road, Penarth. CF64 2UY	Loft conversion and dormer
2021/0701/BR	AC	30, Crossways Street, Barry. CF63 4PQ	Re construction of side addition to incorporate shower room and utility space

2021/0702/BN	A	24, Amherst Crescent, Barry. CF62 5UQ	Single storey rear extension (10-40m2)
2021/0703/BR	AC	44, Heol Cae Pwll, Colwinston. CF71 7PL	Single storey extension to extend kitchen and provide family room
2021/0704/BN	A	33, Harlech Drive, Dinas Powys. CF64 4NZ	7 windows, 1 patio door and 1 front door
2021/0706/BR	AC	57, Baruc Way, Barry, CF62 5AX	Single storey extension the rear of dwelling. 25m2
2021/0707/BN	A W	13, Norris Close, Penarth, CF64 2QW	Single storey extension to back of house to form porch and dining room.
2021/0709/BR	AC	Sunnyside, Wesley Street, Llantwit Major, CF61 1RA	Detached dwelling
2021/0711/BN	A	65, Trinity Street, Barry, CF62 7EX	Re-roof
2021/0712/BR	AC	Land north of Leckwith Road, (opposite Leckwith motor company) Llandough, CF64 2LY	Proposed residential development comprising 40 affordable units (comprising a mix of 1 and 2 bed apartments) along with associated parking, highway and ancillary works
2021/0713/BN	A W	18, Hazledene Close, Barry, CF63 1AW	Single storey extension to create sun room and garage conversion
2021/0714/BN	A	25, Cog Road, Sully, CF64 5TD	Installation of through floor lift in private dwelling
2021/0715/BR	AC	8, Leigh Close, Boverton, Llantwit Major, CF61 1UL	Single storey rear extension
2021/0716/BN	A	Halfway Tree, Graig Penllyn, Cowbridge, CF71 7RU	Single storey garage
2021/0718/BR	AC	25, Dudley Place, Barry. CF62 7HY	Proposed single storey side extension
2021/0719/BN	A	Penycae Farm, Marcross, Llantwit Major. CF61 1ZG	Installation of a vertical lift for disabled person

2021/0720/BN	A	15, Harbour Road, Barry. CF62 5SA	Re roof
2021/0721/BR	AC	20, Augusta Road, Penarth. CF64 5RJ	Single storey extension to rear of existing property. Removal of internal walls, including chimney and chimney breast. Replacement of existing roof and flat roofs. Re-render of exterior of property. Drainage works. Rewiring. Replacement of gas central heating system. New windows. Replacement and relocation of kitchen and bathrooms. Creating new en-suite shower room and other associated works
2021/0722/BN	A W	22, Hinchsliff Avenue, Barry. CF62 9US	Proposed single storey extension to side of existing dwelling
2021/0723/BN	A	68, White Farm, Barry. CF62 9EU	Proposed single storey extension to rear
2021/0724/BN	A	Roxbury House, Sigingstone. CF71 7LP	Single storey rear extension (under 10m2)
2021/0725/BN	A	38, Byrd Crescent, Penarth, CF64 3QU	Disabled building modifications. Modified bathroom, front driveway, patio doors, remove part of the wall between kitchen and lounge and also remove walls in front lobby area. Replace windows and doors.
2021/0726/BN	A	25, Cae Canol, Penarth. CF64 3RL	Single storey rear extension, open plan kitchen / diner
2021/0727/BN	A	34, Harriet Street, Cogan. CF64 2JY	Velux loft conversion (no dormer)
2021/0729/BN	A	Sandalwood, Chapel Road, Wick. CF71 7QJ	Re roofing, replacing felt, batons and changing from cement tiles to composite slate tiles

2021/0730/BN	A	65, Stanwell Road, Penarth, CF64 3LR	Knock through kitchen wall into dining room
2021/0733/BN	A	Y Bont Faen Primary School, Borough Close, Cowbridge. CF71 7BN	To strip back existing flat roof finish, replacing timber boarding where required. Install insulation boards and felt roof (Phase 2)
2021/0734/BN	A	8, Gileston Road, St. Athan. CF62 4PZ	Single storey extension to side of dwelling
2021/0735/BN	A	Glenview House, Llanbethery. CF62 3AN	Two storey extension to enlarge kitchen and add bedroom
2021/0736/BR	AC	24, Robinswood Crescent, Penarth, CF64 3JF	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
2021/0737/BN	A	92, Broadway, Llanblethian, Cowbridge, CF71 7EY	Re-roof
2021/0738/BN	A	The Granary, Llangan, CF35 5DW	Single storey extension to kitchen (10-40m2)
2021/0740/BN	A	12, Melyn Y Gors, Barry, CF63 1DE	Knock through
2021/0741/BN	A	16, Tair Gwaun, Penarth, CF64 3RG	Knock Through
2021/0742/BN	A	3, Bingle Lane, St. Athan. CF62 4LH	Two storey extension and knock through
2021/0743/BN	A	96, Main Street, Barry. CF63 2HN	Amendment to shop front and knock through creating a corridor to front of the property.
2021/0744/BR	AC	Ty Bronudd, Nash. CF71 7NS	Demolition of garage. Internal Alterations, Double storey side extensions and new detached double garage

2021/0747/BR	AC	40, Sea View Drive, Ogmore By Sea. CF32 0PB	Single storey extension with balcony and porch
2021/0748/BN	A	66, Broadway, Llanblethian, Cowbridge, CF71 7EW	Structural alterations to make open plan kitchen/diner. New stud walls for bedroom/bathroom layout. 2 new bathrooms.
2021/0749/BN	A	Ynysdawel, Llancarfan, CF62 3AD	5 windows replacement
2021/0750/BR	AC	20, Mountjoy Place, Penarth, CF64 2TB	Minor single storey extension and alterations
2021/0751/BN	A	3, Middlegate Walk, Cowbridge, CF71 7LA	Single storey extension / garden room and knock through inside between kitchen and dining room
2021/0753/BN	A W	10, Whitcliffe Drive, Penarth, CF64 5RY	Single storey rear extension
2021/0754/BR	AC	166, Port Road East, Barry, CF62 9PZ	Single storey rear extension
2021/0755/BR	AC	1, Shelley Crescent, Penarth, CF64 2RR	Dormer loft conversion
2021/0760/BN	A	2, Countess Place, Penarth, CF64 3UJ	Two rooms into one
2021/0767/BN	A	6, Brig Y Don Hill, Ogmore By Sea, Bridgend, CF32 0PS	Single story extension 5600 mm x 3000 mm projection
2021/0768/BR	AC	5, Bridgewater Road, Sully, CF64 5RE	First floor extension over the existing ground floor extension.
2021/0769/BN	A	3, Lakeside, Barry, CF62 6SS	Removal of internal load bearing wall
2021/0770/BN	A	34, Elm Grove Road, Dinas Powys, CF64 4AB	Take down load bearing pillar between kitchen and conservatory
2021/0771/BN	A W	1, Pendoylan Close, Barry, CF63 1TX	Two storey extension to side of existing domestic dwelling

2021/0772/BN	A	Ty Uchaf, St Mary Hill, CF35 5ED	Installation of steel beams for bi fold doors
2021/0773/BN	A	26, Westbourne Road, Penarth, CF64 3HF	Fit 24 sliding sash UPVC double glazed windows

(b) Building Regulation Applications – Reject

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

2021/0691/BN	R	15, Llanover Street, Barry. CF63 2HD	Dormer loft conversion
2021/0695/BN	R	77, North Walk, Barry, CF62 8BX	Two storey extension and loft conversion
2021/0705/BN	R	37, Nant Talwg Way, Barry, CF62 6LZ	Tie in new drainage into existing drainage for relocation of existing kitchen within existing foot print of the house
2021/0717/BN	R	11, Coldbrook Road West, Barry. CF63 1LF	Changing front window into french doors and changing rear window into bi folding doors
2021/0731/BN	R	39, Clos Maes Dyfan, Barry, CF63 1SJ	Single storey extension
2021/0739/BN	R	30, Porth Y Castell, Barry. CF62 6QB	Re roof
2021/0746/BN	R	29, Wenvoe Terrace, Barry. CF62 7ES	Single storey side extension 9m2

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

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

2021/0164/AI	A	84, Fonmon Park Road, Fontygary, Rhoose, CF62 3BF	Replace conservatory roof with Supalite tiled roof
2021/0165/AI	A	18, Bromfield Place, Penarth, CF64 1HR	Conversion of existing attic space to form new bedroom and en suite
2021/0166/AI	A	19, Bromfield Place, Penarth. CF64 1HR	Conversion of existing attic space to form new bedroom and en suite

2021/0167/AI	A	7, The Parade, Barry. CF62 6SD	Removal of 2 internal walls (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0168/AI	A	3, Heol Yr Ysgol, St. Brides Major. CF32 0TB	Two storey extension
2021/0169/AI	A	47, Dunraven Close, Cowbridge, CF71 7FG	Physical barrier to be removed to form open plan into new single storey extension at rear of property
2021/0170/AI	A	23, Wye Close, Barry, CF62 7TF	Replacement of existing conservatory roof and frames
2021/0171/AI	A	Fontygary Holiday And Leisure Park, Rhoose, CF62 3ZT	Internal alterations to convert a gym to a soft play area, form new structural opening, new toilets, construct new coffee shop, refurbishment of reception, extend kitchen and alter cellar, installation of M&E
2021/0172/AI	A	29, Tyle House Close, Llanmaes, Llantwit Major, CF61 2XZ	Replacement of an existing conservatory roof
2021/0173/AI	A	Parc Cottage, Park Road, Dinas Powys, CF64 4HJ	Internal alterations, including alterations to openings with the north façade and construction of new swimming pool building
2021/0174/AI	A	155, Westward Rise, Barry, CF62 6NR	Replacement of existing conservatory roof
2021/0175/AI	A	6, Heol Sant Bridget, St. Brides Major. CF32 0SL	Single storey extension to rear and structural opening
2021/0176/AI	A	4, Cwm Barry Way, Barry, CF62 6LB	Loft conversion
2021/0177/AI	A	3, Cardiff Road, Cowbridge, CF71 7EP	Single storey rear extension

2021/0178/AI	A	Land on Boverton Road, Llantwit Major, CF61 1XZ	Construction of a new detached dwelling
2021/0179/AI	A	Sant Y Nyll House, Heol Sant Y Nyll, St Brides Super Ely, CF5 6EZ	Renovation of existing main house including replacement windows, internal thermal upgrading of external walls, replacement floor slabs including insulation and underfloor heating, replacement of roof and renovation of chimneys including valleys and parapet walls complete with thermal upgrades and replacement of internal above ground and external below ground drainage (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0180/AI	A	Harvella, Gileston, CF62 4HX	First-floor side extension above existing garage, ground floor rear extension, first floor terrace to front and side, Juliette balcony to front elevation and internal alterations
2021/00181/AI	A	114, Colcot Road, Barry, CF62 8UH	Two storey side/rear extension and single storey rear extension

(d) Section 32 Building Act, 1984

It is proposed to implement the above section of the Building Act with a view to remove from the filing system, building regulation plans relating to work which has not commenced. This section of the Building Act makes provision for the Local Authority to serve notice in respect of plans which are three or more years old. Where such notices have been served (when the proposal has not commenced), it means that the plans are of no further effect and can be destroyed.

It is proposed to serve notices in respect of the following Building Regulations applications.

2016/1353/BR  
2017/1367/BR  
2018/0012/BR  
2018/0022/BR

2018/0117/BR  
2018/0171/BN  
2018/0185/BR  
2018/0211/BR  
2018/0255/BR  
2018/0264/BN  
2018/0352/BR  
2018/0491/BN  
2018/0773/BR  
2018/1039/BN

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 27 OCTOBER, 2021

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. 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

2013/00305/1/C D	A	Greenway Farm, Bonvilston	Discharge of Condition 13 (Schedule of materials in construction (incl samples). Original approval 2013/00305/FUL - Erection of single dwelling
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2016/01427/5/C D	A	Land off Cowbridge Road, Northfields, St. Athan	Discharge Condition 16- footway detail. Planning Permission 2016/01427/OUT:- Residential development of up to 253 units and associated works, including the provision of public open space and strategic access points off Cowbridge Road, St. Athan
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2019/01041/4/C D	A	Pencoedtre High School, Merthyr Dyfan Road, Barry	Discharge of Condition 6 (Drainage). 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.
2019/01384/1/N MA	A	East Quay, Barry Waterfront, Barry	Non Material Amendment - Addition of visitor parking spaces, amendment to parking arrangement fronting Plots 686-688 and update to brick material. Planning approval 2019/01384/RES - Approval is sought for the appearance, landscaping, layout and scale (the Reserve Matters) as prescribed by Condition 4 of the Outline Planning Permission (2014/00229/EAO) for East Quay, which comprises of a residential development of 62 dwellings with associated works
2020/00360/1/N MA	A	Land off Spitzkop Road, Llantwit Major	Non Material Amendment - Addition of porch to Plot 2. Planning approval 2018/01373/FUL (Proposed residential development of four detached dwellings with on site parking and new private shared access onto Spitzkop)

2020/00629/FUL	A	The Foreshore, Beach Road, Swanbridge, Sully	Proposed reinstatement of private beach slipway and small boat storage area
2020/00657/3/CD	A	Llantwit Major Ambulance Station, Llanmaes Road, Llantwit Major	Discharge of Conditions 7 (Landscape Scheme), 9 (Ecological Enhancement). Planning approval 2020/00657/FUL - Demolition of vacant ambulance station and the construction of 3 new dwellings including a new parking courtyard plus all associated works
2020/00732/1/CD	A	Y Berllan, Peterston Super Ely	Discharge of Condition 2 (Approved Drawings) of Planning Approval 2019/01242/FUL: Proposed extension to side and rear and extension of roof space
2020/00877/1/NMA	A	22, Borough Avenue, Barry	Proposed loft conversion with rear dormer at 22, Borough Avenue, Barry to have an additional frosted window on the rear dormer to allow for a shower room.
2020/00885/FUL	A	Land adjacent to 53, Laura Street, Barry	A proposed development of three detached dwellings
2020/00995/FUL	R	Broadlands Partnership, 41, Ludlow Street, Penarth	To increase the height of the building(s) with an additional floor, including material alterations to the facades and the change of use from office use to ground floor office use and 5 residential units
2020/01252/2/NMA	A	Waun Wen, Maendy	Non Material amendment. Change of material from hanging concrete tiles to fibre cement tongue and grooved cladding. Planning approval 2020/01252/FUL - First

			floor extension, including dormer roof alterations and internal alterations
2020/01407/FUL	A	Land behind 1, Channel View, Marcross	Replace existing failing cesspit with a Bio treatment tank that serves the ten dwellings at Channel View. Existing foul drainage lines for the ten dwellings are also being replaced. Proposed removal of wall and creation of a layby with new walls.
2021/00046/FUL	A	Rivendell, Broughton Road, Wick	AMENDED PLANS: Convert garage to residential use, with extension to front of the property and creation of first floor above. Construction of porch to the front of the property, two storey rear extension with balconies and single storey spa house to the rear of the property. Additional window to existing side elevation. Move an existing amenity use shed and place a new shed in the garden
2021/00095/FUL	A	1, Falcon Grove, Penarth	Removal of dead trees and hedge at side of garage. Replaced with fence, height 2.42m width 6.5m. This has been painted grey in keeping with other fences in the area. Hedge was previously overlapping the pavement.
2021/00165/1/C D	A	Land to rear of 2, Cwrt Llanfleddian, Llanblethian	Discharge of Conditions 4 (Materials) and 5 (Ecological Design Strategy). Planning approval 2021/00165/FUL - Removal of existing stables

			to be replaced by a new barn used as a part field shelter and part feed, fodder and machinery store in connection with the land
2021/00196/1/N MA	A	Flat 8, Albert Court, 11, Albert Crescent, Penarth	Non Material Amendment - We are looking to replace the structural columns with a number of brackets to support the balcony. Planning approval 2021/00196/FUL - Replace 2no. existing windows with French doors and install new external balcony plus associated works
2021/00318/FUL	A	Maerdy Newydd Farm, Bonvilston	Proposed alterations, upgrading and extensions to existing farmhouse including demolition of existing substandard pool room and replacement with steel and timber insulated structure and proposed detached garage with hobby room over
2021/00418/FUL	R	4, Cliff Parade, Penarth	Construction of replacement house
2021/00466/FUL	A	Tudor Lodge, A48, Bonvilston	Construction of agricultural barn/storage facility
2021/00483/FUL	R	163, Plymouth Road, Penarth	Demolish existing house to build a new house with detached pool house
2021/00505/FUL	R	58E, Salop Street, Penarth	Conversion of existing two bedroom dwelling into 2 no. one bedroom apartments

2021/00521/RG3	A	Land at Atlantic Trading Estate adjoining the existing HWRC in Barry	Construction of a Reuse Shop on vacant land at Atlantic Trading Estate, south of the existing Household Waste Recycling Centre (HWRC)
2021/00523/FUL	A	Whispering Winds, 45, Wick Road, Ewenny	Ground floor side and rear extensions
2021/00576/1/N MA	A	Stepping Stones, Llancarfan	Non Material Amendment - addition of 1 no. sun tube in the roof to provide natural light to the enclosed hallway at ground floor level. Planning approval 2021/00576/FUL - 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
2021/00598/FUL	A	Archway House, Westgate, Cowbridge	Proposed new boundary wall and gates
2021/00614/1/N MA	A	51, Hinchsliff Avenue, Barry	Non Material Amendment - Making the porch longer and side extension slightly longer. Planning approval 2021/00614/FUL - Proposed single storey extension to replace existing to side elevation and new integrated porch to front
2021/00674/FUL	A	Hillrise, 100, Crompton Way, Ogmore By Sea	Wrought iron railings to side of house to match existing railings already on property

2021/00675/FUL	A	Vacant land opposite 1 and 2, Llantwit Road, St. Athan  *****NOT TO BE PUBLISHED ON WEBSITE - MOD APPLICATION*****	Single storey portable buildings to provide a temporary medical facility made up of twelve units, providing 10 consulting rooms, 3 treatment rooms and ancillary accommodation to support the consulting and treatment rooms.
2021/00708/LBC	A	Trewallter Fawr, Walterston, Barry	Proposed internal alterations to first floor master bedroom (new en suite bathroom and dressing room)
2021/00725/FUL	A	Croes Leiky, Heol Sant Y Nyll, St. Brides Super Ely	The erection of a balcony to a first floor room at the side of the property, with steps coming down to a raised garden area
2021/00770/RG3	A	Golf Hut, Porthkerry Country Park, Park Road, Barry	Tourism uses which may include A3 food and drink / takeaway, bike hire, recreational activity centre, small scale retail (A1).
2021/00785/FUL	A	Flat 1, 4, Marine Parade, Penarth	To replace windows and doors: Rear of property - replace 2 windows and 1 door in UPVC. Side of property - replace 4 windows and 1 door in UPVC. Front of property (basement only) - replace 2 windows and French doors in UPVC
2021/00793/FUL	A	Canoldir, St. Lythans Road, Dyffryn	Proposed rear garden orangery and glazed canopies
2021/00794/FUL	A	3, Tal Y Bryn, Penarth	Log burner installed with external flue and vent from the middle floor to upper floor at the rear of the property

2021/00795/FUL	A	27, Augusta Road, Penarth	Amendment to previously approved planning permission 2019/00658/FUL - Side and rear ground floor extensions
2021/00825/RG3	A	7, St. Pauls Avenue, Barry	Change of use from existing dwellinghouse (C3) into a young persons social care home (C2) - with external alterations including the formation of a new off-street car parking space
2021/00841/FUL	A	8, Lynmouth Drive, Sully	Demolition of existing residential property and replacement with 4 bedroomed dwelling and associated car parking
2021/00847/LAW	A	8, Summerland Close, Llandough, Penarth	Demolish existing conservatory and build new single storey rear extension
2021/00863/FUL	A	Windsor Lawn Tennis Club, Larkwood Avenue, Penarth	Refurbishment of Clubhouse to include new entrance to front elevation, new windows to rear elevation, and new patio area to rear
2021/00877/FUL	A	Cosmeston Medieval Village, Cosmeston Country Park, Lavernock Road, Penarth	Position a prefabricated container (metal, with timber cladding) for the storage of items for the cafe
2021/00878/FUL	A	34A, Tynewydd Road, Barry	Proposed single storey side extension, with change of use from garage to B1 office use with associated external works
2021/00882/1/C D	A	Land at Gwaun Wen Farm, Hensol	Discharge of Condition 3 (Ecological Design Strategy). Planning approval 2021/00882/FUL -

			Proposed barn extension for storage of machinery and crops
2021/00884/FUL	A	Highfield, Love Lane, Llanblethian, Cowbridge	Proposed two storey side extension and single storey garden store to opposite side
2021/00889/FUL	A	Land at Llanbethery	New single storey agricultural storage barn
2021/00891/FUL	A	102, Cedar Way, Penarth	Two storey rear extension
2021/00893/FUL	A	6, Wimbourne Close, Llantwit Major	Demolition of existing garage and the erection of a two storey extension to the side and rear of the dwelling as well as an attic conversion and the insertion of dormers to the front and rear.
2021/00900/FUL	A	11th Barry Sea Scouts, Ilminster Street, Barry	Proposed single storey side extension to the Scout Hall
2021/00902/FUL	A	11, Tair Onen, St Hilary	Double storey side extension with Juliet balcony to rear elevation
2021/00908/FUL	A	22, Tair Onen, St Hilary	Single storey side extension incorporating; ground floor disabled access bedroom with ensuite and extended kitchen
2021/00916/LAW	A	19, Tair Onen, St Hilary	Proposed single storey rear extension to replace the existing conservatory - no effect on existing access
2021/00917/FUL	A	30 Golwg Y Coed, Barry	Rear garden terracing
2021/00923/FUL	A	Cliff Barn, Llancafán	Replace 5 wooden doors with composite doors. Replace kitchen window with aluminium bi-fold

			doors (involves removing stonework below window). Replace 3 wood framed windows with composite frames/double glazed. All frames except bi-folding doors are to be solid composite, pebble grey, UPVC.
2021/00936/FUL	A	4, Wimborne Crescent, Sully	Demolish an existing store and outside WC to enable a new single storey flat roof side extension with Lantern style roof light to be built in its place
2021/00939/FUL	A	Eryl Surgery, Station Road, Llantwit Major	Proposed extension to existing Medical Practice
2021/00949/FUL	A	46, Heol Collen, Culverhouse Cross	Rear single storey extension
2021/00950/FUL	A	36, Porlock Drive, Sully	Rear 2 storey extension to dormer bungalow including extending single storey element
2021/00960/LBC	A	Barclays Bank Plc., 62, High Street, Cowbridge	Decommission Barclays Bank, including external and internal alterations
2021/00961/FUL	A	Old Police Station, Cowbridge Road, St. Nicholas	Change of use B1 Offices to D1 Non-Residential (Healthcare)- Proposed to be used as a physiotherapy business.
2021/00964/FUL	R	Robinswood, Bridgeman Road, Penarth	Replace current Velux windows in two attic rooms and add one addition Velux window.
2021/00974/FUL	A	Nicells, Swanbridge Road, Sully	Reconfiguration of existing porch. Demolish existing garage and erect new garage. Reposition garden retaining wall. Install oak door in west boundary wall for access.

2021/00975/LBC	A	Nicells, Swanbridge Road, Sully	Reconfiguration of existing porch including insulation. Demolish existing garage and erect new garage. Reposition garden retaining wall. Install oak door in west boundary wall for access. Works to chimney.
2021/00976/FUL	A	Little Haven, Nash	Addition of first floor over garage and master bedroom with dressing room to first floor of main dwelling with new dormers and balcony
2021/00982/FUL	A	2, St. Cyres Road, Penarth	Ground floor garage and front porch extension. Balcony to rear with privacy screen and access staircase
2021/00983/FUL	A	67, John Batchelor Way, Penarth	Changes to fenestration on front and rear elevations. Extension and alteration of existing balcony
2021/00985/FUL	A	34, Lon Yr Eglwys, St. Brides Major	Two storey side and rear extensions, Juliette balconies to the rear elevation, porch and replacement garage. Widen existing double vehicular access
2021/00997/FUL	A	1, Shelley Crescent, Penarth	Proposed rear dormer loft conversion
2021/00999/FUL	A	Barclays Bank Plc, 2, Windsor Road, Penarth	Removal of the existing individual lettering and projecting Barclay's Signage, allow for masonry to be made good on completion. Existing ATM to be removed, new glazing to be infilled to match existing on completion. Existing night

			safe to be removed, existing stone to be made good on completion
2021/01009/FUL	A	49, Rhodfar Morwydd, Penarth	Single storey rear extension and internal remodelling.
2021/01011/FUL	A	Living accommodation over King Square Post Office, 160, Holton Road, Barry	Conversion of existing 2 storey 3 bedroom flat over retained post office into 2no. self contained 3 bedroom flats
2021/01012/FUL	A	35, Redlands Road, Penarth	Proposed side/rear single storey extension to kitchen and dining room
2021/01022/FUL	A	Field 3441, Land Opposite Boverton House, Boverton, Llantwit Major	Temporary timber shed structure.
2021/01024/FUL	A	3, Cosmeston Cottages, Lavernock Road, Penarth	Ground and first floor rear and side extension
2021/01026/FUL	A	Badgers Hollow, Graig Penllyn	Proposed single storey extension
2021/01028/FUL	A	25, Heol Sant Bridget, St. Brides Major	Conversion of the garage to a granny annex with storey above, and single storey gym side extension
2021/01029/FUL	R	29, Port Road East, Barry	Proposed extension above single storey to side elevation with attic dormer conversion
2021/01040/FUL	A	14, Main Avenue, Peterston Super Ely	Erection of single storey rear extension. Demolition of existing double garage and replacement with 2 storey extension.
2021/01048/FUL	A	Sycamore House, 27, Sycamore Crescent, Barry	Side extension of C3(B) dwelling

2021/01051/FUL	A	Stables at Land South of Greendown, Nr. Llancarfan	Retention of the tractor shed/workshop as built and addition of lean-to trailer shed
2021/01052/FUL	A	2, Clinton Road, Penarth	1. Alterations to existing wall on eastern boundary, erection of new fence on southern boundary and construction of new garden wall within the curtilage; 2. Construction of a new 3m x 5m outbuilding for external storage
2021/01055/FUL	A	Allt Laes Farm, Pont Sarn Lane, Peterston Super Ely	First floor en suite bathroom extension
2021/01058/FUL	A	3, Boverton Road, Boverton	Proposed single storey ground floor rear extension and vehicle crossover.
2021/01059/FUL	A	68, Lavernock Road, Penarth	Proposed single storey kitchen and utility room extension and first floor bedroom extension
2021/01066/FUL	A	135, Westward Rise, Barry	Two storey side extension
2021/01067/FUL	A	5, Tan Y Fron, Barry	Proposed front porch extensions and extension / alterations to front driveway / garden
2021/01069/FUL	A	6, Devon Avenue, Barry	Demolish existing detached outbuildings, build proposed single storey, flat roof rear and side wrap around kitchen extension
2021/01073/FUL	A	Land adjoining 21, Henry Street, Barry	Extension of existing building for storage use
2021/01078/FUL	A	40, Seaview Drive, Ogmore By Sea	Single storey front elevation flat roof extension with balcony

2021/01087/FUL	A	Tailor Made Travel, 14, Washington Buildings, Stanwell Road, Penarth	Change of use of existing A1 premises to D1 podiatry and chiropody clinic with refurbishment of shop front and new signage
2021/01088/FUL	A	Ivy Cottage, 31, Station Road, Dinas Powys	Proposed new entrance porch, single storey kitchen extension and minor amendment to previously approved side extension
2021/01092/FUL	A	12, St. Ambrose Close, Dinas Powys	Proposed two storey side extension
2021/01097/FUL	A	Llantwit Major Ambulance Station, Llanmaes Road, Llantwit Major	Vary Condition 6 (means of enclosure) of planning permission 2020/00657/FUL
2021/01099/FUL	A	The Manor House Hotel, Sully Road, Penarth	Proposed conversion of existing hotel and restaurant into single detached dwelling. Related to approved planning application 2019/00202/FUL
2021/01101/FUL	A	1, Fairfield Road, Penarth	Construction of side wall with gate
2021/01103/FUL	A	291, Gladstone Road, Barry	Demolition of existing rear flat roof structure. Proposed single storey rear extension(s) with hip to gable roof extension and alterations to fenestration design and all associated external works
2021/01106/FUL	A	17, Byrd Crescent, Penarth	Proposed part single storey part two storey extensions with Juliette balcony to rear of property and porch to front.
2021/01108/FUL	A	8, Tennyson Way, Llantwit Major	Proposed garage

2021/01109/FUL	A	L M Sportsplace Ltd., 2, The Precinct, Boverton Road, Llantwit Major	Proposed outdoor eating area
2021/01112/FUL	R	1, Castell Bach Cottages, Clawddcoch	Double storey extension to side and rear of existing dwelling
2021/01114/FUL	A	85, Crompton Way, Ogmore By Sea	Single storey rear extension. Loft conversion works with the addition of three number pitched roof rear dormer windows
2021/01118/FUL	A	26, The Verlands, Cowbridge	Single storey lean to rear extension
2021/01125/FUL	A	37, Westbourne Road, Penarth	Removal of existing rear single storey and two storey annexes and construction of replacement single and two storey rear extension with associated external works
2021/01129/FUL	A	Gatehouse, South Gate, Cowbridge	Removal of existing detached garage and car port and erection of new detached garage building
2021/01130/FUL	A	50, Lewis Road, Llandough	Retrospective application for front porch and rear ground floor single storey extension
2021/01131/FUL	A	50, Brookfield Avenue, Barry	Proposed single storey rear extension with first floor side extension over garage
2021/01137/FUL	A	56, Heol Tre Forys, Penarth	Single storey rear extension and modified entrance canopy detail
2021/01139/FUL	A	Greystones, Flemingston Road, Flemingston	Proposed Installation of domestic solar photovoltaic system of 25 no. panels

2021/01142/FUL	R	13, Lakeside, Barry	Proposed 2 storey side extension and 1st floor terrace to front
2021/01148/FUL	A	22, Clive Place, Penarth	Five replacement Heritage vertical sliding windows to the front elevations
2021/01150/FUL	A	7, Henry Street, Barry	Proposed enlargement of existing ground floor rear kitchen extension and attic conversion with dormer
2021/01154/FUL	A	19, Plas Taliesin, Penarth	Replace the existing wrought iron balcony handrail and replace with infinity toughened laminate glass screen. Including privacy (satin/frosted) screen at either ends for neighbour privacy.
2021/01158/FUL	A	85A, Fontygary Road, Rhoose	Proposed two storey extension to side with rear balcony.
2021/01167/FUL	R	22, Uppercliff Close, Penarth	New boundary wall to include 2no. sliding vehicular access gates plus all associated works
2021/01169/FUL	A	35, Cardiff Road, Dinas Powys	Rear single storey extension to existing property to include kitchen, dining and utility room
2021/01175/FUL	A	19, Plas Taliesin, Penarth	Replace existing windows and wall with sliding doors onto the balcony
2021/01177/FUL	A	22, Heol Pentre Felin, Llantwit Major	Single storey extension to the rear elevations
2021/01180/FUL	A	7, Pant y Celyn Place, St. Athan	Remove and replace existing concrete pre-fab exterior panel facade with new cavity wall, block work and render with brick detailing. Demolish existing outhouse and

			construct new single storey rear extension. Relocate front door to front elevation. Internal remodelling
2021/01182/LAW	A	47, Caer Worgan, Llantwit Major	Plans - to convert garage to use as an additional room with a proposed single storey flat roof extension measuring 3.15metres x 2.74metres (see attached drawings), render finish to walls in keeping with current house
2021/01190/FUL	A	Brynheulog, Llangan	Double garage
2021/01193/FUL	A	Oak Cottage, West Street, Broughton	Change front and rear wooden entrance doors to doors of similar design in composite material. The style will be similar to existing doors with a wood grain finish. This has been carried out on neighbouring property.
2021/01195/FUL	A	Fairfield, Welsh St. Donats	To develop existing garage and store - to maintain existing garage and form new gymnasium and garden store
2021/01201/FUL	A	Hartford Lodge, 24, Victoria Road, Penarth	Replacement of rear extension for similar extension, replacement external escape stair. Alterations to fenestration, construction of a small rear porch. Repair front boundary wall, gate posts & reinstatement of railings
2021/01202/FUL	A	2, Salisbury Avenue, Penarth	Single storey side extension with associated internal re-modelling. Raised terrace to rear. Window to side formed into a doorway

2021/01225/FUL	A	23, Crompton Way, Ogmore By Sea	Conservatory to rear elevation
2021/01233/FUL	A	Church Barn, St Athan Road, Flemingston	Velux window to be fitted into roof
2021/01235/FUL	A	23, Ffordd Cwm Cidi, Barry	Proposed single storey mono-pitch rear extension, garage conversion to habitable room and new Porch arrangement
2021/01238/FUL	A	Westcliff, Causeway Hill, Llanblethian, Cowbridge	Replace existing wooden conservatory for a anthracite grey Upvc frames and roof.
2021/01239/HR	A	Dwr Cymru Cyfyngedig, Coslech Sewage Treatment Works, Peterston Road, Groesfaen, Pontyclun	Where the pipeline or works access route crosses a hedgerow, a 6m section will be coppiced to ground level. The stumps will be protected through the duration of the works. Up to 2m sections will be fully removed to facilitate the installation of the pipeline. Hedgerows which are removed to facilitate works are to be fully reinstated once the works are completed to ensure not net loss of this habitat and to re-join the wildlife corridor.
2021/01258/LAW	A	Tynywaun Farm, Newton, CF71 7RZ	A Lawful Development Certificate application to determine that the dwelling is being occupied in accordance with Condition 2 of Decision Notice reference 88/0436, an agricultural occupancy condition
2021/01305/OBS	B	Land North of Junction 33 of the M4, Cardiff	OBS application for Discharge of Condition 30 (MR Noise Barrier) - Planning approval

14/00852/DCO - Comprehensive development of land to the North of junction 33 of the M4 to create a new community containing: A range of new homes, including houses, apartments and some sheltered accommodation for the elderly (Use Classes C2 and C3), a park and play facility and transport interchange or hub community facilities including a new primary school and Community Centre (Use Class A1), Financial and professional (Use Class A2, food and drink (Use Class A3) and a clinic or surgery (Use class D1). new offices, workshops and research and development facilities (Use Classes B1 with ancillary B2 and B8), a network of open spaces including parkland, footpaths, sports pitches and areas for informal recreation, new roads, parking areas, accesses and paths, other ancillary uses and activities and requiring; site preparation, the installation or improvement of services and infrastructure; the creation of drainage channels; improvements / works to the highway network and other ancillary works and activities

2021/01436/OBS	B	Land known as Mynydd y Glyn in the Rhondda Valley	Construction of a wind farm of up to 7 wind turbines with associated infrastructures
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THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 OCTOBER 2021**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

None

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(b) Enforcement Appeals Received

None

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(c) Planning Appeal Decisions

L.P.A. Reference No:	2021/00427/FUL
Appeal Method:	Written Representations
Appeal Reference No:	21/3275782
Appellant:	Mr Wahid Khan
<b>Location:</b>	<b>2, Bungalow, Waycock Road, Barry</b>
Proposal:	Resubmission of 2020/01182/FUL for: Amendments to planning approval 2018/00123/FUL proposed enlargement to garage, gymnasium and hobby room to first floor as approved
Decision:	Appeal Dismissed
Date:	16 September 2021
Inspector:	P Davies
Council Determination:	Delegated

**Summary**

The main issue was considered to be the effect of the proposal on the character and appearance of the area.

The development related to one half of a pair of semi-detached bungalows located in a semi-rural setting and Special Landscape Area (SLA). The proposed development would provide an increase in height of around 20cm over an approved scheme which the Inspector did not consider would be a significant increase, however the development now proposed 2 additional pitch roof dormers which would fundamentally change the low-key appearance of the roof. The dormers would significantly add to the bulk and mass of the building which would fail to be subservient to the existing dwelling and therefore significantly urbanise the character of the site. The Inspector

therefore concluded that the development would result in a building of increased prominence and out of scale and character with the existing dwelling that would unacceptably detract from the semi-rural nature of its localised context.

Whilst the inspector noted some vegetation that provided screening, the proposal would be visible from the entrance to the adjacent Hawking Centre and there would also be views for drivers approaching from the south east. The identified harm would be apparent in public views, especially during the winter season.

The Inspector therefore concluded that the proposal would be harmful to the character and appearance of the area contrary to Policy MD2 of the LDP as well as the Council's SPG 'Residential and Householder Development' and that the appeal should be dismissed.

### **Costs Appeal**

The Inspector also considered an application for costs submitted by the appellants on the grounds of lack of cooperation from the Council; factually incorrect information in the officer's report; and failure by the Council to factor in all the evidence available.

Having considered evidence from both parties, the Inspector considered that there was very little evidence to suggest that the Council failed to cooperate in a way that was unreasonable or led to unnecessary or wasted expense through pursuing the appeal. There was also nothing to suggest that the case officer used any information other than that available in the submitted plans and what was evident from a site visit. Finally, the officer's report provided a comprehensive assessment of the proposal, including detailed information on the previous planning applications and there was no evidence that any material considerations or relevant factors were ignored, or that the Council acted hastily or unreasonably. The Inspector therefore concluded that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated, an award of costs was not therefore justified and the appeal was dismissed.

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L.P.A. Reference No:	2021/00718/FUL
Appeal Method:	Written Representations
Appeal Reference No:	D/21/3278771
Appellant:	Patricia Turner
<b>Location:</b>	<b>11, Plas Glen Rosa, Penarth Portway, Penarth</b>
Proposal:	Single storey rear extension
Decision:	Appeal Dismissed
Date:	16 September 2021
Inspector:	M Hall
Council Determination:	Delegated

## Summary

The main issues were considered to be the effect of the proposed development on the character and appearance of the area and on the living conditions of the occupants of the existing dwelling.

### *Character and appearance*

The appeal property was a two-storey, mid terraced dwelling located at Penarth Haven and faced directly onto the marina with a public promenade to the front. The proposed flat roof extension would replace part of the existing boundary fence, with two of the rendered elevations forming the new boundary with the parking area and would thereby enclose the entrance to the parking court. Whilst the Inspector acknowledged that the extension would be of a simple flat roof design with a rendered finish to match the existing dwelling, she considered that it would read as a constrained, awkward and cramped addition that would occupy the majority of the already restricted area of amenity space serving the appeal dwelling. It was therefore concluded that the proposal would have an adverse effect on the character and appearance of the area, in conflict with Policies MD2 and MD5 of the adopted LDP and 'Residential and Householder Development' SPG, PPW and Technical Advice Note 12 'Design'.

### *Living conditions*

It was noted that the existing amenity area was enclosed by a wooden fence 1.8 metres high and was of an extremely limited size with a splayed rear boundary line creating a roughly triangular footprint. Whilst acknowledging that the amenity space was in part overlooked and that its quality was compromised due to its small size, the Inspector considered that the provision of even a small area of enclosed, private amenity space had benefits not replicated in the public realm.

It was identified that the existing provision of amenity space fell well below the minimum standard required in the Council's SPG. Whilst the appellant had claimed that the size and location of the amenity space was such that it did not provide for relaxation and/or entertainment, the Inspector considered that the amenity space provided a useful and valuable area for existing or future occupants for refuse storage, cycle parking, an area for sitting out and/or modest gardening tasks. If constructed, the extension would reduce the size of the amenity space to some 3.4 square metres and would be less than half of the already very limited space. Even though the existing amenity space was of a limited size, the Inspector considered that the loss of the majority of the space would seriously hinder its useability to the detriment of the living conditions of both existing and future occupants. The proposal would therefore conflict with LDP Policy MD2, as it would fail to safeguard residential amenity and the provision of private amenity space.

### *Other Matters*

Whilst the personal circumstances of the appellant were noted, the Inspector considered that the development would subsist long after the current occupant had vacated the property and did not consider that the benefits of the proposal outweighed the harm. It was therefore concluded that the appeal should be dismissed.

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L.P.A. 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  
  
Decision: Appeal Allowed  
Date: 22 September 2021  
Inspector: M Hall  
Council Determination: Delegated

### Summary

The Council had granted planning permission at the appeal property in July 2021 (subsequent to the refusal of the appeal proposal) for development including a loft conversion and the only element with which the Council had taken issue in relation to the appeal proposal, was the rear dormer. The main issue was therefore considered to be the effect of the proposed rear dormer on the character and appearance of the area.

The appeal site was located within a predominantly residential area and backed onto an area of open space known as Golden Gates Park from where the rear elevations of dwellings could be viewed and included dormer additions and rear extensions of varying design, scale and form. The Inspector noted that those cited by the appellants were similar to the appeal proposal and formed part of the character and appearance of the area.

The appeal property had already been extended considerably and whilst the Inspector accepted that part of the dormer would be visible from Wordsworth Avenue, she considered that its visual impact would be minimal from that vantage point. Although visible from the park, she did not consider that the rear elevation of the appeal property could be described as prominent, due to its position.

In considering the proposal's relationship to the host property, it was identified that the ridge of the dormer would be set below that of the main roof and finished in composite slate and cream painted render, to match the existing dwelling. However, it would extend beyond the rear elevation of the main dwelling and the dormer would appear to be a third storey addition of considerable size, dominate the form of the original roof and would overwhelm the proportions of the original dwelling. Whilst the Inspector was not convinced that it would read as a subordinate and sympathetic addition to the dwelling when seen from the limited public vantage points, she considered that there were elements of its design which would align with the advice in the Council's '*Residential and Householder Development*' SPG, such as its simplicity, the relationship of its pitched roof form to that of the host dwelling and the size and position of the fenestration.

Whilst noting the presence of dormers on the rear elevations of nearby dwellings, the Inspector considered that the design, scale and form of the proposed dormer would have a harmful effect on the character and appearance of the existing dwelling and the surrounding area and conflict with Policies MD2 and MD5 of the LDP, SPG, PPW and Technical Advice Note 12. '*Design*'. The Inspector considered however that the 2021 planning permission for a loft conversion including a large flat roof dormer would completely overwhelm the proportions of the original roof, introducing elements which were alien to the host dwelling and complicating the roof form overall and this development constituted a fallback position which the appellants were highly likely to pursue, even if the appeal proposal was not found acceptable.

In her opinion, the alternative pitched roof design of the proposed dormer would ameliorate some of the harm associated with the introduction of a large flat roof dormer and a shallow hipped roof over the existing two storey extension and she could not therefore find that the proposed dormer would be any more harmful than the permitted scheme. She therefore concluded, having regard to the existing and consented development in the vicinity, that the refusal of planning permission was unjustified and the appeal was therefore allowed.

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(d) Enforcement Appeal Decisions

None.

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(e) April 2021 – March 2022 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (to measure performance)	<b>W</b>	15	3	18	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		15 (83%)	3 (17%)	18	
<b>Committee Determination</b>		1	1	2	-
<b>Other Planning appeals (inc. appeal against a condition)</b>		-	1	1	-
<b>Enforcement Appeals</b>	<b>W</b>	-	1	1	1
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Enforcement Total</b>		(0%)	1 (100%)	-	1
<b>All Appeals (excludes non validation appeals)</b>	<b>W</b>	15	4	19	1
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Combined Total</b>		15 (79%)	4 (21%)	19	1

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 : **27 OCTOBER, 2021**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. 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

2021/00968/TPO	A	Tumblers Chase, St. Hilary	Works to Trees covered by Tree Preservation Order, No. 07 1972
2021/01077/TPO	A	Boverton Park House, Boverton Park Drive, Boverton	Work to Trees covered by TPO No.12 of 2002: Remove to ground level T1 - Ash and T2 - Ash due to ash dieback
2021/01145/TPO	A	Secret Garden, Llanbethery	Work to Tree(s) covered by Tree Preservation Order No. 1 1990, Removal of lower limb from mature English Oak tree T1
2021/01162/TPO	A	Penllyn Castle, Penllyn	Work to Tree(s) covered by Tree Preservation Order No. 1, 1962 - Please see attached report for details
2021/01224/TPO	A	Copperfield, Llanccarfan, Barry	Works to trees under TPO 1973 No. 24:- Ash 1,2,4 Removal/fell cluster along river bank. Ash 4-Crown reduction, Ash 5- Removal/fell, Ash 6-Crown reduction 30%

2021/01252/TCA	A	Wenvoe Community Centre, Old Port Road, Wenvoe	Removal of Conifer tree due to damaging of wall and associated health and safety concerns
2021/01266/TCA	A	Llaneinydd, St Nicholas, Cardiff	Works to trees in Conservation Area - fell two beech trees

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 OCTOBER, 2021**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. TREES

- (b) TO CONFIRM TREE PRESERVATION ORDER NO. 3, 2021 FOR TREES AT EWENNY PRIORY, ABBEY ROAD, EWENNY

REASON FOR COMMITTEE DETERMINATION

This application is reported to Planning Committee because several objections have been received, following the serving of a Woodland Tree Preservation Order (TPO).

EXECUTIVE SUMMARY

This report relates to Tingle Wood at Ewenny Priory, between the villages of Corntown and Ewenny. Tingle Wood, along with several other areas across the historic Ewenny Priory Estate, is subject to a licence to thin trees by Natural Resources Wales (NRW) as part of a wider woodland management plan. An email was received by the Council in August 2021 expressing concern over the extent of tree felling that had already taken place along Corntown Road and that Tingle Wood was under threat of the same level of felling.

Given that the landowner had already obtained a felling licence from NRW to thin Tingle Wood, the Council liaised with officers at NRW to establish whether the level of tree felling to date breached the existing felling licence and whether it would be appropriate for the Council to consider serving Tingle Wood with a woodland TPO. In response, NRW stated that they have no objection in principle to a TPO being served on the woodland and that it may be justified based on reports of potential excessive tree felling along Corntown Road (which may have been over and above what is permitted by the licence). Following correspondence with NRW and a site visit, it was considered based on the foreseeable threat to the woodland together with the maturity/size, positive physiological condition, longevity and visibility/prominence of many of the principal trees, that Tingle Wood merited a TPO.

Consequently, a TPO was served on the woodland dated 3<sup>rd</sup> September 2021. Four letters of objection have been received to date and the main issue raised is that the TPO is perceived to be obstructive in that it has prevented necessary management (thinning) of Tingle Wood and means that the landowner will need to re-apply to NRW for a new felling licence. The objections state that the thinning of Tingle Wood is required to improve the well-being and safety of the woodland by reducing the number of trees competing for space and light and will also improve the general safety and condition of the wood by removing any other trees that are either dead, dying or dangerous.

Notwithstanding this, a TPO would not prevent the woodland from being managed. Conversely, it is considered that it would enable a necessary level of control over the management of the woodland, in consultation with NRW. . Given this and that NRW had no objection based on reports that the level of tree felling to date may have been in breach of the former felling licence, it is considered that the TPO is still merited and should be confirmed.

## SITE AND CONTEXT

The application relates to Tingle Wood, Ewenny Priory. Tingle Wood is an area of dense woodland located adjacent to Tingle Lane and Abbey Road, on land forming part of the Ewenny Priory Estate. The woodland forms the western boundary of the registered Ewenny Priory historic park and garden, as identified by CADW. The woodland is highly visible from the villages of Corntown and Ewenny and a location plan is shown below. Tingle Wood is identified as areas W1 and W2.

### TPO Location Plan - Tingle Wood



## DESCRIPTION OF DEVELOPMENT

The landowner intends to embark on thinning several areas of woodland surrounding Ewenny Priory, including Tingle Wood. Subsequently, a request has been received from a member of the public to protect these trees and prevent them from being

clear felled in the same way that woodland has been along Corntown Road. As such, a woodland tree preservation order (TPO) is being considered as it would allow tighter control to be exerted over the protection of Tingle Wood. The wood consists of Sycamore, Beech, Ash, Oak, Birch, Alder, Lime, Elm, Mixed Conifers, Norway Spruce, Scots Pine and Lawson Cypress. It should be noted that the proposed order expressly excludes Ash due to levels of Ash Die Back. A photograph of the wood is included below.

**Tingle Wood, Looking East from Corntown Road (B4524)**



#### PLANNING HISTORY

There is no relevant planning history related to this site.

#### CONSULTATIONS

**Arboricultural Consultant, Mr Julian Wilkes**, stated the following in his objection dated 1<sup>st</sup> October 2021.

- A Coed Cymru Heritage Woodland Plan for the estate dated 12<sup>th</sup> November 2014 endorsed the thinning of congested smaller trees at Tingle Wood, to halo thin any specimen trees, to allow them more space and emphasise their presence in the wood, whilst retaining trees considered to be of special character and habitat. The report also recommended releasing Ash and Sycamore natural regeneration where it occurs and felling the line of Norway Spruce along the east facing side of the wood. Serving a TPO to prevent the thinning of Tingle Wood is contrary to the findings of this report.
- The TEMPO (Tree Evaluation Method for Tree Preservation Orders) pro forma for this site fails to suitably measure and score the various relevant criteria. As a result, the TEMPO assessment used by the Vale of Glamorgan Council is contrary to guidance and should not be used.
- The planning officer who carried out the TEMPO assessment and considered the TPO has no arboricultural experience or qualifications.

- There are numerous other trees and woodlands within the vicinity of Tingle Wood. Government guidance states that the presence of other trees/woodlands within the vicinity should negate the requirement to serve a TPO on one particular woodland. This has not been complied with.
- No TPO should be served on trees under good silvicultural management. Tingle Wood is being managed in accordance with an NRW felling licence. It is, therefore, inappropriate for the Vale of Glamorgan to issue a TPO which effectively undermines the primacy of NRW in this matter and prevents the woodland from being managed in accordance with the approved licence.
- Correspondence with NRW indicates that there was no proper liaison process with NRW from the Vale of Glamorgan Council.
- Government guidance is explicit that the LPA should not place a TPO on a woodland to hinder thinning work. The Council have broken TPO guidelines by hindering the beneficial management work endorsed by NRW.
- The Government guidance indicates the primacy of NRW in matters of woodland management and effectively removes the LPA from the process of controlling woodland management work. The TPO undermines the relationship between NRW and the LPA as well as the directive set down by the guidelines.
- The TPO on Tingle Wood acts as an unnecessary delaying measure that provides no material benefit. This guidance implies that the LPA should not be serving TPOs on woodland covered by a Felling Licence.
- The Vale of Glamorgan either failed to observe the public register or chose not to comment on the Felling Licence for Tingle Wood. It is therefore inappropriate to prevent the thinning work through the TPO once the Felling Licence has been issued. The Felling Licence has been issued twice so the Vale of Glamorgan have had ample opportunity to comment on this matter.
- The Vale of Glamorgan have erroneously informed the landowner that a TPO application will now be required to continue the thinning work following the serving of the TPO on Tingle Wood. This is incorrect. As a result of the TPO, the landowner will have to make a new Felling Licence application to NRW.
- The TPO is effectively an obstructive measure contrary to the Forestry Commission July 2020 guidance regarding Felling Licence and TPOs. NRW will be obliged to issue a new Felling Licence exactly the same as the existing licence and the TPO will serve no purpose other than to delay the beneficial silvicultural work for a further year. The TPO should therefore be revoked immediately to enable the silvicultural work to continue before the commencement of the 2022 bird nesting season.

**The landowner, Mr Jeremy Picton-Turbervill**, stated the following in his objection dated 27<sup>th</sup> September.

- It was recommended that Tingle Wood is thinned by the Heritage Woodland Plan prepared by Coed Cymru, given that the wood has been neglected for at least 70 years and is in need of proper management.
- The initial felling licence was granted by NRW in February 2019 to thin the trees and this was renewed in 2021 following delays caused by the Covid-19 pandemic.
- Many of the trees in the woodland are diseased, particularly the Ash which have become infected with 'Ash Die Back'. In January 2020, a limb fell on a member of the public, causing serious injury.
- Many of the dead, dying and dangerous trees have been removed in addition to those identified by the thinning licence along Corntown Road and evidence has been supplied to NRW to justify the removal of the additional trees under the 'dangerous exemption'. It was established following correspondence with the Council's Highways Authority that the management of the woodland in proximity of the adopted highway along Corntown Road was the responsibility of the landowner.
- In August, NRW visited the site and were allegedly satisfied that the works were being carried out in accordance with the approved felling licence.
- Once the TPO was received all works apart from the removal of dead, dying and dangerous trees ceased, which has prevented the wood from being properly managed through the agreed thinning.
- Halting the thinning works has resulted in the loss of approximately £1000 per day, as time was wasted when contractors were ordered to stop works.
- Due to the logistics of removing trees under the dead, dying and dangerous exemption, consent would be required from the Vale of Glamorgan to remove healthy trees in order to get access, which would take up to 6-8 weeks to determine. This effectively prevents the removal of dangerous Ash trees for the time being.
- Given that the wood still requires management, a new felling licence to replace the old one is now required from NRW, which they will issue through the same channels as the previous licence. As such, the TPO will eventually be superseded and is a waste of time.
- A suitably qualified tree officer did not carry out the works associated with this TPO and the Vale of Glamorgan failed to properly consult NRW.

- No contact was made with the estate prior to serving the TPO to discuss the thinning plans.
- The TEMPO pro-forma is not recognised by any arboricultural professional. The proper TEMPO system is based on a point scoring exercise with so many points awarded for various criteria. The Vale of Glamorgan Council have not followed the correct procedure. The adopted 'Amenity Assessment' could be applied to any area of woodland with the county.
- The TPO should be revoked to allow the proper management of the woodland to continue.
- Neither the Vale of Glamorgan Council nor NRW fully understood the procedures and relationship between TPOs and felling licenses. Consequently, the decision to serve a woodland TPO on Tingle Wood may have been impacted by the misinterpretation of the regulations.
- It is not the case that that landowner must seek LPA approval as well as NRW's to fell trees at the wood in the future.
- The LPA have no jurisdiction to pursue a re-stock notice. As such, the Vale of Glamorgan Council cannot enforce re-planting on areas felled/thinned prior to the TPO being served.

## REPRESENTATIONS

**The neighbouring properties were consulted on 3<sup>rd</sup> September 2021.** Two letters of objection have been received to date. In summary they state:

- The wood has been neglected and has not undergone proper management for many years resulting in numerous dead, dying and dangerous trees as well as a number of 'spindly' unhealthy trees competing for light.
- Thinning out the woodland and reducing the number of trees will have a positive effect on the well-being of the remaining woodland as well as on plant life, insects and animals on the wood floor as natural day light is able to enter.
- Thinning the trees will help to neaten Tingle Wood and removing the TPO will allow for the woodland to be properly managed in the future.
- Saplings are struggling to survive due to poor woodland management to date.
- Established trees frequently fall on the highway, posing a risk to public safety (many of which are dead, dying or dangerous Ash trees). Fallen trees also disrupt the flow of traffic.

- Corntown Road is also popular for ramblers and bike races, which means the poorly managed woods create a further hazard as a result of fallen limbs and an excessive build-up of leaves during the autumn months.
- The current tree felling should continue, to allow a more sustainable native woodland to thrive and continue to form part of the historic parkland that surrounds Ewenny Priory.

## REPORT

### Planning Policies and Guidance

#### **Future Wales: The National Plan 2040:**

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:**

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

#### **Technical Advice Notes:**

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

- Technical Advice Note 10 – Tree Preservation Orders (1997)

5. *“The principal effect of a TPO is to prohibit the cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of a tree of trees without consent of the local planning authority.”*

32. *“Consent for cutting down or carrying out works on a protected tree is not sought from the local planning authority where a felling licence is required. In such cases an application must be made to the Forestry Authority (NRW in this case) in the first instance. Section 9 of the 1967 Act and subsidiary Regulations sets out situations where a felling licence is not required. If the Forestry Authority proposes to grant a*

*felling licence it will inform the local planning authority in writing. If the local planning authority objects the application must be referred to the Secretary of State who will deal with it under TPO legislation. The Forestry Authority also has the discretion to refer applications for a felling licence to the local planning authority to be dealt with under the TPO.”*

### **Supplementary Planning Guidance:**

The following SPG is of relevance:

- Trees, Woodlands, Hedgerows and Development (2018)

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

- Town and Country Planning (Trees) Regulations 1999
- BS5837: 2012 Trees in relation to design, demolition and construction – Recommendations
- Tree Evaluation Method for Preservation Orders (TEMPO).
- Section 198(1) of the Town and Country Planning Act 1990 empowers a local planning authority, where it appears to them that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

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

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

#### Issues

The principal issue to consider as part of this application is whether Tingle Wood merits protection with a woodland Tree Preservation Order (TPO). An amenity and expediency assessment has been undertaken on the wood which considers the appropriateness of serving a TPO based on the condition of the woodland, the longevity of trees, how visible/prominent they are, whether the principal trees are important for group cohesion and whether the wood is under threat. The outcome of this assessment is discussed below.

#### TPO Assessment

Tingle Wood runs along the entire length of Tingle Lane and a section of Abbey Road, immediately to the west of Ewenny Priory. The wood is comprised of a myriad

of large trees (including Ash, Sycamore, Beech, Oak, Birch, Alder, Lime, Elm, Norway Spruce, Scots Pine, Lawson Cypress and several different types of Conifer). Notwithstanding that many of the Ash trees are infected with Chlora Fraxinea (Ash Die Back) and that various other trees may be diseased or dying, many of the trees were in full leaf and appeared to be in a good/satisfactory physiological condition following a site visit at the beginning of September.

In terms of visibility, Tingle Wood is highly prominent when heading east along Corntown Road (particularly at the entrance to Tingle Lane from Corntown Road, where the wood has grown on either side of the junction) and is most visible from Abbey Road and Tingle Lane. The wood is relatively dense and many of the larger and mature trees are important for group cohesion and their contribution towards the visual amenity of the wood as a whole. Based on its scale and prominence in the landscape, Tingle Wood is considered to contribute greatly towards the green and verdant character of Corntown and Ewenny. Whilst Corntown is not covered by an identified conservation area, the recent clear felling/heavy thinning of unprotected trees along Corntown Road (subject to the NRW thinning licence) has arguably had a detrimental impact upon the character and visual amenity of the village. Below are some before and after images of the wood that ran parallel with the main road through Corntown Village.

**Before**



**After**



It appears in this case that thinning works were carried out, followed by removal of trees which were asserted to be exempt from requiring a licence, due to being dangerous. Officers at NRW have advised the Council that they are currently investigating whether the level of tree removal was in breach of the licence.

The image below shows Tingle Wood in its current state. If this wood is cleared/thinned in the same way as the wood along Corntown Road, it would potentially result in the removal of a significant portion of screening of the registered

Ewenny Priory historic park and garden and would have a further detrimental visual impact on the character of the local area.

**Tingle Wood from Corntown Road, Looking East**



**Tingle Wood, Looking Down Tingle Lane**



To test the suitability of a TPO, a TEMPO (“Tree Evaluation Method for Preservation Orders”) assessment has been carried out in respect of the woodland. The assessment concluded that based on the visual amenity, longevity, good physiological condition of the principal trees and that that Tingle Wood is under a foreseeable threat of being heavily thinned/clear felled, it definitely merits a Tree Preservation Order (TPO).

### Consultation with NRW

The Landowner and appointed Arboricultural Consultant have both expressed concern that the Vale of Glamorgan Council and NRW have failed to understand the procedure and relationship between TPOs and felling licences and, therefore, the decision to serve TPO may, in the opinion of the landowner, be a result of misinterpretation due to improper liaison and consultation between the two organisations.

However, officers do not concur with that assertion and it is considered that the TPO was served with appropriate regard to correct process and the role of NRW and felling licences., Officers initiated contact with NRW to discuss whether it would be appropriate to serve the TPO on a woodland already subject to a felling licence for thinning. NRW responded that they were in the process of investigating whether there had been a breach of the existing felling licence to thin trees along Corntown Road and stated that they subsequently have no objection in principle to the Council serving a TPO on Tingle Wood. They went on to state that the Council may have good reason to do so based on the reports of excessive tree felling at the estate (albeit this would have to be justified).

NRW initially advised officers that they were seeking legal advice as to the correct procedure when a TPO is confirmed on trees that were subject to a licence. NRW advised that the correct procedure was likely to be one of the following:

- a) That the landowner would have to apply to the Council for consent to carry out the works to the TPO trees.
- b) That the landowner could apply to NRW for a new licence.

NRW have subsequently advised officers that their legal advice is that scenario ‘a’ described above would be the correct procedure for someone wishing to carry out works to trees where a TPO has been served following a licence being granted. Notwithstanding that (and even if that position were successfully contested), both scenarios would potentially justify the service of a TPO in the particular circumstances of this case.

If procedure 'a' was deemed to be correct, then this would enable the Council to consider the appropriateness of the proposed works and the Council would be responsible for determining the application. If procedure 'b' was deemed to be correct, NRW would be responsible for issuing a licence, however, that process would involve direct consultation with the Local Planning Authority (LPA) and NRW would take the LPA's representations into account when determining the licence application. Both of those scenarios are in contrast to the felling licence procedure when there is not a TPO in place. In those circumstances, while the LPA is not precluded from making representations, NRW do not typically consult directly with the LPA or make the LPA aware that a licence application has been submitted.

Consequently, it is considered that the existence of a TPO would at the very least have a material impact on the ability of the LPA to engage on such matters and make representations as to whether the proposed works would be acceptable or not; but in acceptance of the advice provided by NRW, it would enable the LPA to be responsible for determining the application.

#### Whether a TPO is justified in the context of licencing powers

It is then necessary to consider whether the circumstances of this case justify the LPA needing a greater level of control over the works than a licence would exert. Fundamentally, felling licences and Tree Preservation Orders (TPOs) are not intended to serve the same purpose. Firstly, NRW's guidance on Tree Felling states:

*Tree felling is controlled because of the value society puts on trees and tree cover. We issue felling licences where required so that the felling is legal, is carried out to the standards set in the UK Forestry Standard, and is in line with the Welsh Government policies promoting the sustainable management of natural resources and the well-being of the people of Wales.*

The UK Forestry Standard is principally concerned with sustainable forest management and good forestry practice.

In contrast, Section 198 of the Town and Country Planning Act 1990(as amended) states:

*If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.*

Therefore, while the felling licence process focuses on good practice and sustainable management of wooded areas, TPOs are principally concerned with the amenity of the area.

As noted above, significant areas of tree coverage have been removed from along Corntown Road. While the NRW licence permitted thinning, it appears that further ash trees have been removed, apparently due to them being dead or dying (and subsequently dangerous). The result of this is a situation more akin to clear felling. NRW have not established definitively whether those works breached the terms of the landowner's licence, however, the visual impact is significant.

Officers are concerned that similar tree thinning and clearance along Tingle Lane would similarly result in a harmful impact to the amenity of the area. Given that the NRW licence is not founded upon an assessment of amenity, it is considered that it cannot be relied upon alone to ensure that there would not be a harmful impact on amenity. Furthermore, even if the permitted thinning did not have a harmful impact on amenity, it is possible that thinning and then subsequent removal of other dead dying or dangerous trees (trees exempt from licence control) would indeed have a harmful effect.

While it may be the case that dangerous trees should justifiably be removed, it is possible that the removal of those trees would achieve, partially or substantially, the aims of the thinning operations. Fundamental to this assessment (of whether a TPO is justified), it should be noted that the grant of the licence does not appear to have taken that question into account, nor the likely impact on amenity of the thinning and potential further exempt tree removals. Consequently, and given that the carrying out of all licensed works and other exempt felling may have a harmful impact on the amenity of the area, it is considered that the TPO is fully justified, and necessary to ensure the LPA has adequate control over the impacts. It may also be the case that good woodland management could be achieved with less intervention than permitted by the licence (i.e. the licence does not necessarily permit only the very minimum level of tree removal). Therefore, and given the very significant contribution that this tree belt makes to amenity, it is not unreasonable for the Council (in exercising its duties regarding trees) to be assured that the licensed works would not have an unacceptable visual impact.

### Tree re-planting

Where thinning of a wooded area is licensed, that licence would not typically require 're-stocking' of trees. However, the Council's Trees, Woodlands, Hedgerows and Development Supplementary Planning Guidance states as follows:

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

New trees take time to reach full maturity, and consequently a replacement ratio of 2:1 is required in most cases, to ensure that visual impact is mitigated as effectively as possible. This approach also ensures that ecological and environmental/climate impacts are mitigated as far as possible.

At this site, if thinning is required in the interests of good forestry management, it is quite possible that re-planting within the same wooded area would not be appropriate. However, depending on the circumstances of each case, re-planting may be appropriate in other areas of land in the same ownership, or a financial contribution can potentially be made in order that the Council can plant new trees on Council owned land in the area.

Therefore, in addition to the above rationale regarding control over visual impact, a Tree Preservation Order would also give potential scope for re-planting of trees, should that be deemed appropriate.

### Process & Procedure

The representations referred to above allege that the Vale of Glamorgan Council have failed to accord to government guidelines with regard to considering, assessing and serving the TPO on Tingle Wood.

In terms of carrying out the TEMPO assessment, this was done using the Council's adopted pro-forma, as shown below.

SURVEY DATA SHEET & DECISION GUIDE	
Surveyor:	Marc Stephens
Date:	01-Sep-21
Tree details	
TPO ref:	N/A
Application:	2021/00003/TREE
Location:	Woodland identified as W1 & 2 - Ewenny Priory Estate
Tree/Group No.:	N/A
Owner:	Mr Jeremy Picton-Turberville
<b>Part 1:</b>	<b>Amenity Assessment</b>
a)	Condition and suitability for a TPO
b)	Retention span (in years) and suitability for a TPO
c)	Relative public visibility & suitability for TPO
d)	Other Factors
	Good
	100 +
	Large trees, or medium trees clearly visible to the public
	Tree groups, or principal members of groups important for their
<b>Part 2:</b>	<b>Expediency Assessment</b>
	Foreseeable threat to trees
<b>Part 3:</b>	<b>Decision</b>
	Definitely merits TPO

The 'Amenity Assessment' is based on the overall condition and suitability of the woodland for a TPO followed by the retention span of the principal trees, the visibility of the woodland followed by other factors, which in this case considered that the tree groups or principal members were important for their cohesion. This was followed by an 'Expediency Assessment', which considered whether the wood is under any form of threat. While this has been based on the wider assessment of the woodland and it is inevitable that some of the trees may have shorter retention spans or are considered to be either dead, dying or dangerous (addressed in a later section), the TEMPO concluded that a TPO was definitely merited in this case. Moreover, whilst the TEMPO assessment was carried out by a planning officer and not a qualified

arboricultural consultant or tree officer, the weighting of the scores given to each question would have been the same. Moreover, planning officers are frequently required to carry out this pre-set and tested proforma for such applications, including other requests for TPOs and when considering works to trees, woodlands or groups covered by existing TPOs. The TEMPO was also carried out following a site visit, where a detailed visual assessment of the woodland was undertaken. Consequently, it is considered that despite the concerns raised, the request to serve a TPO has been carried out in accordance with the correct procedures.

In terms of why the Council did not comment on the two felling licences previously granted by NRW, it is not normal practice for the Local Authority to monitor all live NRW applications and/or decisions. The Local Authority have a duty to respond to requests for TPOs made by members of the public and the TPO was only served following correspondence with a concerned member of the public and the subsequent communications with NRW on the matter.

One consultee stated that due to the presence of other trees and woodland surrounding Tingle Wood, it is not expedient to serve a TPO, as per government guidance. However it is apparent that due to the level of tree felling in the adjacent wood along Corntown Road, there has already been a significant impact on amenity. Furthermore, notwithstanding that some trees have remained along Corntown Road and that there are various other trees and smaller woods in the immediate vicinity of the site, Tingle Wood is markedly larger and more prominent than much of the nearby woodland. As such, it is considered that if this wood is clear felled/heavily thinned in line with the works that have recently taken place along Corntown Road, the additional impact on local visual amenity would be highly detrimental to the character of Corntown and Ewenny. As such, based on the aforementioned TEMPO assessment, a TPO was merited.

Dead, Dying & Dangerous Trees - It is apparent that a member of the public may have been injured in January 2020 by a falling limb from a tree and consequently it is important that the areas of woodland around Ewenny Priory Estate are properly managed. It is also noted that fallen limbs/branches can potentially block the highway and disrupt the flow of traffic. Notwithstanding the protection of Tingle Wood provided by the TPO, the felling of trees that are considered to be dangerous is permitted and may continue in the interest of public safety and positive woodland management. Moreover, Ash are often excluded from the TPO procedures due to levels of Ash Die Back. To that end, provided that the landowner supplies evidence to the Local Authority in advance of felling trees under this exemption (in the case that the trees are not Ash and would ordinarily be covered by the TPO), a formal application would not be required.

In certain cases, healthy trees must be felled to gain access to those that are dead, dying or dangerous. However, whilst in these cases consent from the Council would be required unless a felling licence is approved by NRW, it is considered that removal of dangerous trees would be able to continue, particularly around the perimeter of the woodland. As such, the removal of brittle limbs from dangerous trees along Tingle Lane and Abbey Road is reasonably able to be addressed through this exemption.

One member of the public has also commented that the number of overhanging branches leads to a build-up of leaves during the autumn months which creates an additional risk of slipping, particularly for ramblers and bike riders. However, the dropping of leaves during the autumn months is normal for all healthy deciduous woodlands during the autumn. As such, the risk associated with trees losing their leaves is not considered to be significant or abnormal.

### Other Matters

It has been raised that the thinning of Tingle Wood is required to ensure that light is able to reach the wood floor, which would improve plant and wildlife as well as improve the overall well-being of the wood. Importantly, the TPO would not prevent the future management of the woodland. It simply exerts a necessary level of control over the silvicultural management of Tingle Wood in the long term.

It is noted that this process has affected the landowner's initially envisaged timescales and as thinning works may not be able to continue until after the 2022 bird nesting season. However, this does not outweigh the justification for the TPO which is concerned with the long term retention and controlled management of Tingle Wood.

The landowner has commented that no contact was made with Ewenny Priory Estate while the works to fell the trees were ongoing/prior to serving the TPO. However, there is no requirement for the Council to consult with the landowner prior to serving a TPO. Conversely a 28 day consultation period begun on 3<sup>rd</sup> September 2021, which allowed the landowner as well as neighbouring properties time to object to the order and for the decision to confirm the TPO to be referred to planning committee.

### Conclusion

Based on the above assessment it is considered that there is sufficient evidence and justification to confirm the woodland TPO for Tingle Wood. Whilst several consultees/neighbours have stated that the order acts as a hindrance to the important silvicultural management of Tingle Wood and that it should be revoked, it would in fact exert appropriate control over the future management of the Woodland. Therefore, the long-term amenity of the woodland would be better safeguarded.

### REASON FOR RECOMMENDATION

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.

RECOMMENDATION

That the Council's Planning Committee resolve to confirm the Tree Preservation Order relating to Land at Tingle Road, Ewenny.

MARCUS GOLDSWORTHY  
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 OCTOBER, 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.

**2021/00363/RG3** Received on 25 June 2021

**APPLICANT:** Vale of Glamorgan Council Court Road Depot, Barry Road, Barry, CF62 9BG

**AGENT:** Mr Huw Davies Civic Offices, Holton Road, Barry, CF63 4RU

### **Belle Vue Pavilion, Albert Crescent, Penarth**

Demolition of existing bowling pavilion and adjacent ancillary buildings, and removal of 3 no. existing trees. Construction of new shared use community building and associated external works to create level pedestrian access

### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr. Neil Thomas due to the considerable public interest in the application.

### **EXECUTIVE SUMMARY**

The application, as amended, seeks planning permission for the construction of a new shared use community building and associated external works to create level pedestrian access. This will involve the demolition of the existing bowling pavilion and the adjacent ancillary buildings (subject of application 2021/00364/CAC), and removal of 3 no. existing trees.

Belle Vue Gardens comprises a formal, triangular shaped park. The Park is bound by Belle Vue Terrace to the north, Albert Crescent to the South, and Albert Road to the west. It is located within the Penarth settlement boundary as defined by the Local Development Plan. It is also located within the Penarth Conservation Area and is identified in the Penarth Conservation Area Appraisal and Management Plan as being a significant open space.

The principle of the proposed development on the site is considered acceptable given that it falls within the settlement boundary. The principal considerations relate to whether the development proposal is acceptable in terms of its design and visual impact and its effect on historic assets, the impact on privacy and amenity of neighbouring occupiers and park users, the impact on highway safety and the impact on trees and biodiversity.

57 objections have been received at the time of writing this report.

The proposed development is considered acceptable and the application is recommended for APPROVAL, subject to conditions.

### **SITE AND CONTEXT**

The application site relates to Belle Vue Gardens comprising of a formal, triangular shaped park. The Park is bound by Belle Vue Terrace to the north, Albert Crescent to the South, and Albert Road to the west.



The application site is located within the Penarth settlement boundary as defined by the Local Development Plan. It is also located within the Penarth Conservation Area. The park is identified in the Penarth Conservation Area Appraisal and Management Plan as being a significant open space.

The site is approximately 0.73 hectares and slopes down from the north-east to the south-west with the lowest part of the park being approximately 11 metres lower than the highest part. Mature trees surround the boundary of the site. Inside the park, the pavilion is located in the centre of the park, with the bowling green to the west and a children's play area to the north. There is a sloping lawn to the east of the pavilion.

The existing buildings comprise the original building which is of timber framed construction with green painted timber cladding on the outside under a pitched corrugated sheet roof painted red. The building has single glazed timber windows, the majority which are boarded up. The remaining buildings are of later construction and feature flat roofs.

It is understood that the existing buildings are currently used for a range of social, educational, play, sport and training activities in the park. The building is also the home to Belle Vue Bowling Club.

## DESCRIPTION OF DEVELOPMENT

The application, as amended, seeks planning permission for the construction of a new shared use community building and associated external works to create level pedestrian access. This will involve the demolition of the existing bowling pavilion and the adjacent ancillary buildings (subject of application 2021/00364/CAC), and removal of 3 no. existing trees.

The amended plans have reduced the footprint of the building and the encroachment into the green space to the rear by reducing the size of the rear section of the building and

omitting the access ramp to the front of the building to move the building closer to the bowling green.

The proposed building has an asymmetric shape, but has a maximum length of approximately 28 metres, maximum width of approximately 16.5 metres, an eaves height of approximately 3.1 metres and a ridge height of approximately 5 metres.

The predominant materials are buff brick and dark green render with vertical profiled timber cladding. The roof will be formed with a profiled metal sheet to the west elevation facing the bowling green and a sedum roof to the east elevation. Doors and windows will be dark grey powder coated whilst rainwater goods and flashings will also be powder coated in dark green. Photovoltaic panels are proposed to the west elevation.

Also proposed is the introduction of an access ramp to the north of the proposed building linking it to the children's play area and wider park.

The application is supported by a Design and Access Statement, Tree Survey, Bat and Nesting Bird Surveys, Heritage Impact Assessment and a Biodiversity Enhancement Plan.



Figure 1: Proposed Floor Plan

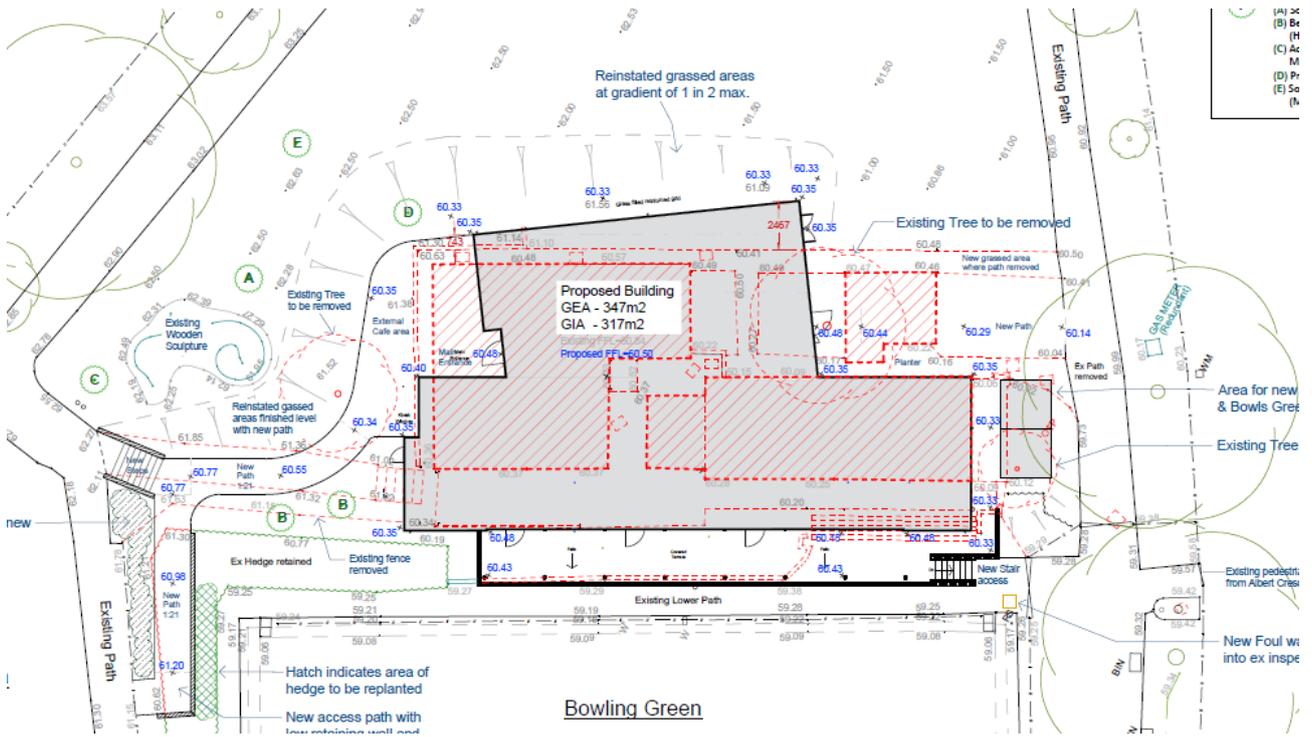


Figure 2: The proposed side layout (part)



Figure 3: Proposed west elevation (facing the bowling green)

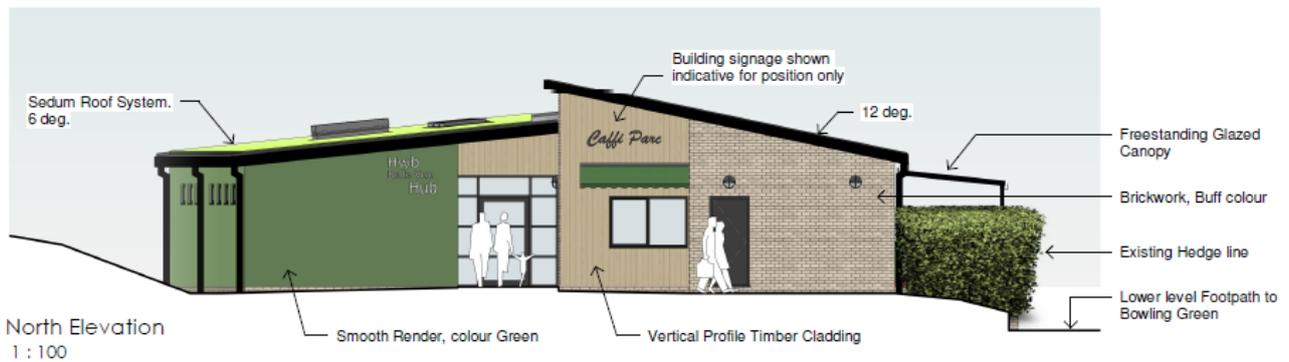


Figure 4: Proposed north elevation



Figure 5: Proposed east elevation



Figure 6: Proposed south elevation



Figure 7: Contextual drawing

The following images include photographs and computer generated images from the same location to provide some assistance in visualising the proposed development.



Figure 8: Main entrance (existing)



Figure 9: Main entrance (proposed)



Figure 10: Bowling green view (existing)



Figure 11: Bowling green view (proposed)



Figure 12: View from the top of the park (existing)



Figure 13: View from the top of the park (proposed)

The proposed building occupies broadly the same position within the site as the existing building. This is demonstrated in Figure 14 below:



Figure 14: Footprint of proposed building relative to the existing. The existing buildings are shown in red, the original proposal in yellow and the current submission in blue.

## PLANNING HISTORY

2000/00029/FUL, Address: Belle Vue Park, Albert Road, Penarth, Proposal: Erection of public art feature incorporating soft landscape. Decision: Approved

Also under consideration is the following:

2021/00364/CAC, Address: Belle Vue Pavilion, Albert Crescent, Penarth, Proposal: Demolition of existing bowling pavilion and adjacent ancillary buildings, and removal of 3 no. existing trees. Construction of new shared use community building and associated external works to create level pedestrian access

## CONSULTATIONS

Statutory consultations were carried out on 23 March 2021 with additional consultations following the submission of amended plans on 30 June 2021 and 23 July 2021

**Penarth Town Council** were consulted and responded raising “No objection”.

The **Highway Authority** noted the existing building has operated without dedicated off street parking for its lifespan and that the surrounding streets have been utilised for any parking. They further note the site lies in a town centre with good pedestrian links and access to bus services and train services.

The Highway Authority also offered support to the provision of new ramp access which supports standards set out in the Active Travel Act 2013.

Finally, the Highway Authority, in looking to promote active travel have recommended :

1. Cycle parking should be provided in accordance with the Council’s SPG Parking Standards and this equates to 1 cycle space per 30 sq.m of GFA.
2. Provision of an uncontrolled pedestrian crossing point should be provided across Belle Vue Terrace/Church Place South to the North of the development.

Reason: - to provide adequate provision of pedestrian access to the site in the interests of highway and pedestrian safety.

3. Information should be made available to users of the proposed site for active travel and public transport.“

The **Councils Ecology Officer** raised concerns regarding the initial bat survey which required additional survey work to be undertaken. This was later submitted. In addition, the Ecology Officer raised concerns about the number and species of replacement trees proposed and required a biodiversity enhancement plan to be submitted. Finally, a number of conditions were proposed. These matters are considered in the report below.

**Councils Estates (Strategic Property Estates)** have not provided a response to date.

The local **Ward Members** were consulted. In a response dated 1 July 2021 Cllr Thomas requested the application be called in due to the considerable local interest.

**Natural Resources Wales** were consulted on 24 September 2021. In their response they stated “We have no objection to the application as submitted but request that an informative is attached to any planning permission granted [as explained below]”.

**Designing out Crime officer** of South Wales Police has provided a response making a number of recommendations relating to the management of the building. These have been passed on to the applicant for information.

## REPRESENTATIONS

The neighbouring properties were consulted on 16 April 2021, 2 July 2021 and 23 July 2021. Site notices were also displayed on 26 April 2021.

Letters of representation have been received from 57 respondents. Where amended plans were received neighbouring properties were re-consulted. As a result, some representations repeat earlier comments from the same address.

The objections are summarised below:

- Concerns regarding the quality of the heritage impact assessment;
- Does not preserve or enhance the character or appearance of the conservation area;
- The building should be restored and listed;
- Proposal should replicate the look and character of the existing pavilion;
- Loss of green space;
- Loss of trees;
- No details of maintenance/management budgets;
- No justification of the expense of the building;
- No direct consultation with local residents;
- No account has been taken of the current provision of social space/toilet facilities available;
- Lack of parking;
- Negative effects of construction & potential increased of use of the park;
- Concerns about effect on house prices;
- Concerns about how the building will be staffed;
- Concerns regarding proposed materials; and
- Concerns over views from residential properties surrounding the park.

## REPORT

### Planning Policies and Guidance

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

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

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy  
POLICY SP10 – Built and Natural Environment  
POLICY SP11 – Tourism and Leisure

#### **Managing Growth Policies:**

POLICY MG7 – Provision of Community Facilities  
POLICY MG20 – Nationally Protected Sites and Species  
POLICY MG28 – Public Open Space Allocations  
POLICY MG29 – Tourism and Leisure Facilities

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

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development

POLICY MD3 - Provision for Open Space  
POLICY MD5 - Development within Settlement Boundaries  
POLICY MD7 - Environmental Protection  
POLICY MD8 - Historic Environment  
POLICY MD9 - Promoting Biodiversity  
POLICY MD13 - Tourism and Leisure

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

### **Future Wales: The National Plan 2040:**

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. The following chapters and policies are of relevance in the assessment of this planning application:

Policy 1 – Where Wales will grow

- Supports sustainable growth in all parts of Wales.
- Development in towns and villages in rural areas should be of an appropriate scale and support local aspirations and need.

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

Policy 3 – Supporting Urban Growth and Regeneration – Public Sector Leadership

- The public sector must show leadership and apply placemaking principles to support growth and regeneration for the benefit of communities across Wales.

Policy 9 – Resilient Ecological Networks and Green Infrastructure

- Action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

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

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

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

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

## Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Accessibility
- Previously Developed Land
- Supporting Infrastructure

## Chapter 4 - Active and Social Places

- Community Facilities
- Recreational Spaces

## Chapter 5 - Productive and Enterprising Places

- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)

## Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)

### **Technical Advice Notes:**

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 24 – The Historic Environment (2017)

### **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning

applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Biodiversity and Development (2018)
- Penarth Conservation Area
- Public Art in New Development (2018)
- Sustainable Development - A Developer's Guide
- Tourism and Leisure Development (2019)
- Trees, Woodlands, Hedgerows and Development (2018)
- Penarth Conservation Area Appraisal and Management Plan

**Other relevant evidence or policy guidance:**

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

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

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

Background

In 2015, a condition survey of the building was undertaken, which concluded that the externals of the building are "Life Expired" and the extent of the risks have the potential to close the building.

The existing building facilitates a range of social, educational, play, sport and training activities in the park and is already a centre for residents and community groups, from formal annual events, to informal activities such as after-school play and gardening clubs. The building is also the home to Belle Vue Bowling Club.

Since the Condition Survey, it is advised that a series of formal consultations (supplemented by on-going meetings and conversations with interested parties) have been undertaken with existing users of the facility, and to engage with residents, regarding the future of the building.

## Issues

The main issues are considered to be:

- The provision of a new community asset
- The design and visual impact of the proposed development and its effect on historic assets;
- The impact on privacy and amenity of neighbouring occupiers and park users;
- Impact on highway safety; and
- The impact on trees and biodiversity;

### The provision of a new community asset

The proposal involves the demolition of an existing community facility in a building that is no longer fit for purpose and in need of replacement. LDP Policy MG7 (Provision of Community Facilities) favours such proposals in accessible locations like this.

The new facility will provide modern facilities for use by the local community with improved facilities such as a designated 'Changing Place' close to Penarth Town Centre which is specifically endorsed by PPW.

### The design and visual impact of the proposed development and its effect on historic assets

#### *Effect on Historic Assets*

As noted above, the site is located within the Penarth Conservation Area. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

The Penarth Conservation Area Appraisal and Management Plan ("the CAAMP") sets out the significance of the conservation area. The CAAMP identifies the importance of formal, enclosed squares at All Saints and Belle Vue as being key, defining characteristics that contribute to the significance of the conservation area.

Opened in 1914, on the site of a former quarry, the park provides an important green space within the area. The park has retained much of its Edwardian character such as its cast iron railings, gates and posts which bound the edge of the park.

The surrounding buildings range from one to three storeys in height creating a strong sense of enclosure to this area of townscape. The predominant materials include yellow and red brick and local limestone.

Important buildings nearby include the former Albert Road Methodist Church, Albert Road Primary School (Grade II listed), St Augustine's Church (Grade I listed) and the offices of the former Penarth Urban District Council.

The original building has undergone substantial alterations in the past which have, regrettably, detracted from its character and appearance to such a degree that the building is not considered to make a positive contribution to the character or appearance of the Conservation Area. It retains some evidential value but this is assessed as low. The later buildings are considered to be of no particular architectural and historic value.

The demolition of the buildings is considered separately under application 2021/00364/CAC, however, it is still necessary to consider the effect of the demolition on the character and appearance of the conservation area in considering this application. Whilst the original pavilion has some architectural and historic value it has been much altered and is in a poor condition. Given the degree of alteration to the original building, it is considered to make a neutral contribution to the character and appearance of the Conservation Area.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council, as Local Planning Authority, to pay special regard to the desirability of preserving listed buildings, their settings and any features of architectural or historical importance that they possess in the determination of planning applications.

It is necessary therefore, to consider the impacts of the proposal on the setting of St Augustine's Church, Albert Road Primary School, The School House and the Telephone Call Box.

The relationship between the listed buildings and the park is one of a rich townscape formed by buildings in a variety of architectural forms which surround the park which provides a, largely, open space.

The proposed development will be, more or less, in the same location as the existing building. Consequently, there will be no loss in evidential, historical, aesthetic or communal value of the nearby listed buildings when experienced within this context. Neither will it be so visually overwhelmed that the setting will, in any way, be disrupted.

On this basis, it is considered that the setting, and by extension, the significance, of these listed buildings will be preserved.

#### *The new building*

Criteria 3 of policy MD5 states that development within settlements will be permitted where the proposed development "is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality". In addition, criteria 1 of policy MD2 states that development proposals should "be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest". This reflects national policy contained in PPW and TAN 12: Design.

The proposed building is single storey and is to be located upon a similar footprint to the existing building.

It is considered to be a contemporary reimagining of a pavilion building. There have been several iterations of the design, including two amendments to the scheme since it was first submitted, and has been the subject of a public consultation exercise prior to submission.

In terms of character, the building reflects the existing use as a public building within a public park. Therefore, this aspect of the character of the conservation area is preserved.

Turning next to the appearance of the conservation area, the modern detailing proposed will contrast with the more traditional buildings that are located around the conservation area. However, the building is considered to reflect traditional pavilion design albeit in a modern form. The proposed building will be one building but can be read visually as two distinct elements.



Figure 15: Detailed view of the front elevation

The materials have been selected to reflect the Victorian buildings around the Square, with particular cues taken from the housing on Belle Vue Terrace where yellow brick with red brick detailing under slate roofs are the predominant materials, with green render and vertical timber cladding selected to reflect the existing pavilion building.

The external finishes reflect the character and appearance of the surrounding context which will serve to help the building sit comfortably within the park and conservation area. Notwithstanding this, a condition requiring a full schedule of materials and samples where appropriate is recommended (**Condition 03**).

It is considered that the combination of materials and form will provide an interesting contrast within the townscape and would not have a detrimental impact on its character or appearance.

Concerns have been raised by respondents to the consultation relating to the impact of the proposal on the park. In particular, concerns have centred on the amount of green space being lost as a result of the proposed building and the accessible ramp.

The proposal has been amended several times in an attempt to reduce the impact of the enlarged footprint culminating in that currently being considered. This has resulted in the proposed building being positioned closer to the bowling green and a substantial re-design of the accessible path. This will result in the retention of more of the open grassed area and will ensure the dragon sculpture is retained in position.

Figure 16 below indicates the usable park area outside of the existing building's footprint and external paths/retaining walls etc. This results in a loss of approximately 26 square metres of green space.



Figure 16: Hatched area indicates green space lost to the new development.

By necessity, there will be some re-profiling of the ground to the north and east of the proposed building. This will be reinstated with grass and will remain a usable part of the park.

Whilst there will be some reduction in the amount of open, grassed areas available in the park, it is considered that scheme, as amended, has limited this to an acceptable amount.

#### The impact on amenity of neighbouring occupiers and park users

The building is located in a central position within the park and sits on the approximate footprint of the existing building. On the basis of the location of the building within a public park, it is considered there will be no unacceptable harm arising from any overlooking or intervisibility between the building and neighbouring properties.

Concerns have been raised regarding the operating hours and noise emanating from the building. The application form confirms that the operating hours will be between 08:00 and 23:00 although the applicant has confirmed that these are the maximum hours and the building is unlikely to be continuously occupied every day between these hours. A condition restricting the hours to those specified (**Condition 04**) is recommended.

The proposal includes a kitchen facility with a kiosk window to facilitate the sale of food and hot drinks. There would not be any particular issues with this use during the daytime, although its use into the evening, with associated potential noise and disturbance, needs to be fully considered. The secondary heating of food such as a microwave, panini press etc would not be considered as hot food and as such would not require a means of extraction.

The provision of hot food would require the provision of commercial extraction units, which would have a visual impact on the outside of the building and also result in potential noise and disturbance and odours which could impact, in particular, users of the park and nearby residents. In light of the above it is necessary to condition that the cooking of “hot food” does not take place at the premises (**Condition 05**).

More generally, other than the playing of background music, it is considered necessary to condition (**Condition 06**) that the premises shall not be used for singing, dancing, or the playing of any kind of music or other forms of regulated entertainment.

Subject to the above conditions being in place, it is not considered that the proposal will impact on the wider amenity of the area, particularly given the control over hours of opening.

#### Impact on highway safety

The consultation response from the Highway Authority is noted. The existing building has operated without dedicated off street parking for its lifespan and that the surrounding streets have been utilised for any parking. In addition, the site lies in a sustainable location with good pedestrian links and access to bus and train services.

Notwithstanding this, the Highway Authority recommended that cycle parking should be provided in accordance with the Council’s SPG Parking Standards.

They further recommended the provision of an uncontrolled pedestrian crossing point to be provided across Belle Vue Terrace/Church Place South to the North of the development to ensure adequate provision of pedestrian access to the site in the interests of highway and pedestrian safety.

Finally, the Highway Authority requested information should be made available to users of the proposed site for active travel and public transport.

The applicant has agreed to these points which can be secured by condition. Therefore, conditions relating to the provision of cycle parking (**Condition 07**) and the provision of active travel and public transport information (**Condition 08**) are recommended.

#### The impact on trees and biodiversity

The site has been assessed by ecologists and the application is accompanied by a number of ecology survey reports. It is concluded that the existing building is home to an established bat roost. As a result a derogation licence will need to be obtained from Natural Resources Wales (NRW) should consent be granted.

Concerns were raised by the Council’s ecologist who in discussion with the applicant’s ecologist was concerned by the methodology proposed. Given the Council’s concerns regarding bat mitigation, the Council deferred any decision on this matter to NRW to be directed by them. Following the submission of a bat mitigation strategy, NRW raised ‘significant concerns’ regarding the proposed development.

Further work was undertaken to the bat mitigation strategy which resulted in no objection from NRW. It is, therefore, considered that the mitigation measures proposed with the submitted documents are suitable to safeguard protected species.

As a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the LPA must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, section 6.3.6) In order to comply with its duty under the Habitats Regulations, the LPA will need to take all three tests into account in its decision. It is essential that planning permission is only granted when the Local Planning Authority is satisfied that all three tests are likely to be met. If not, then refusal of planning permission may be justified (TAN5, section 6.3.6).

A proportional approach can adapt the application of the tests: the severity of any of the tests will increase with the severity of the impact of derogation on a species/population.

Test 1 requires that the derogation be in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment. It is considered that the proposal would have benefits in terms of providing a sustainable community facility within the town.

Test 2 requires that there is no satisfactory alternative to the development. In this case there is an imperative to preserve a community facility on the site. The existing building is in poor condition and would, in all likelihood, require significant repairs to the roof if it were to be retained resulting in similar levels disturbance to the protected species.

As the site has been assessed as sustainable and can provide the replacement facility, with mitigation and enhancement shown as possible with the submitted documentation.

Finally, Test 3 requires that the derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

This is addressed in submitted surveys and information and their recommendations. NRW have confirmed that they do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. Therefore, they do not object to the proposal and have requested an informative is attached to any planning permission granted advising the applicant of the need for an EPS licence.

The views of the Council's Ecologist are noted in relation to the provision of temporary mitigation contained in the submitted Ecology Report which will provide a bat box in a nearby tree. He has recommended that this be retained after the completion of the works and a condition requiring this is recommended (**Condition 09**).

The Ecologist has also requested sight of any lighting scheme for the building. A condition requiring this is recommended (**Condition 10**).

The application will result in the loss of three trees (2no birch and 1no. cherry). These trees are identified as being Category C, that is of minor value, in the supporting tree survey. The birch trees are mature and are approximately 10 metres in height with a crown spread of circa 6-7 metres, typical of a tree of this species and age. The cherry tree is also mature and is approximately 6 metres in height with a crown spread of circa 7 metres.

The tree survey identifies these trees as being in good condition but notes decayed pruning wounds in the stems of the birch trees and exposed surface roots in the cherry tree. These defects are not sufficient to reduce the value of the trees but will contribute to a reduced potential life-span. Of further note is the close proximity of the trees to the existing building. This proximity will further reduce the potential of the trees to reach full maturity.

A Tree Evaluation Method for Preservation Orders (TEMPO) assessment has been undertaken as part of the assessment of the proposal, which confirms the trees could be suitable for a Tree Preservation Order.

Six replacement trees have been proposed in line with the guidance contained in the Council's *Trees, Woodlands, Hedgerows and Development* SPG which has a 2:1 ratio for replacement trees. This complies with the SPG in this regard and whilst the proposed trees are not native species, they reflect the recommendations of the SPG relating to appropriate species.

Whilst the loss of the trees is regrettable, their replacement on a 2:1 ratio will ensure the contribution of trees to the character and appearance of the park, and wider area, will be preserved. A condition requiring the implementation of the approved scheme of landscaping and maintenance of the trees is recommended (**Condition 11**).

National and local policy requires development to not only conserve the existing biodiversity but to enhance it. A biodiversity enhancement plan has been submitted which, in addition to the bat mitigation measures, proposes the installation of 2no. bird boxes and 3no. bat boxes in the park. This is considered appropriate and proportionate to the development. (**Condition 09**).

### Other Matters

All of the representations received have been noted and considered. In some cases, issues which are not material to the determination of planning application have been raised. These include:

- No details of maintenance/management budgets;
- No justification of the expense of the building;
- Concerns about effect on house prices;

A representation was received advising no direct consultation with local residents had been undertaken. The consultation on this application is noted above. This complies with the statutory requirements for advertising planning applications.

### RECOMMENDATION

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

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

Reason:

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

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

AL(00)03C Proposed Site Plan  
AL(00)04B Proposed Floor Plan  
AL(00)05B Proposed Roof Plan  
AL(00)06B Proposed Elevations Sheet 1  
AL(00)07B Proposed Elevations Sheet 2  
AL(00)08B Proposed Site Sections  
Tree Survey  
Bat And Nesting Bird Survey Report v1.0 January 2021  
Bat and Bird Nesting Survey Report V2.0 July 2021  
Heritage Impact Assessment  
Design And Access Statement  
Biodiversity Enhancement 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. Notwithstanding the submitted details, a schedule of materials and samples to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained thereafter.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), Policy MD2 (Design of New Development) and MD8 (Historic Environment) of the Local Development Plan.

4. The use shall not be carried out outside the hours of 08:00 to 23:00 Monday to Friday, 08:00 to 23:00 on Saturdays and 08:00 to 23:00 on Sundays.

Reason:

To ensure compliance with the terms of Policies SP1 (Delivering the Strategy, MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

5. The premises shall not be used for the cooking of hot food.

Reason:

To protect the residential amenity of the neighbouring occupiers in compliance with Policies MD2 & MD7 of the Local Development Plan.

6. Other than the playing of background music, no amplified or other music shall be played in the premises including singing, dancing, or the playing of any kind of music or other forms of regulated entertainment.

Reason:

In the interests of residential amenity, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

7. The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority, which shall thereafter be installed and shall be retained in perpetuity.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

8. Prior to the first beneficial occupation of the building, further details of a scheme tailored to the needs of the site and its future users to include a package of measures to widen travel choices by all modes of transport and encourage sustainable transport, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out.

Reason:

To ensure the site accords with sustainability principles and that the site is accessible by a range of modes of transport in accordance with policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the LDP.

9. The development shall be implemented in accordance with the mitigation measures set out in the Bat and Bird Nesting Survey Report V2.0 (July 2021) and Biodiversity Enhancement Plan (September 2021), prepared by David Clements Ecology.

Reason:

In the interests of ecology and to ensure compliance within the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance) and MG20 (Nationally Protected Sites and Species) of the Local Development Plan.

10. Prior to the commencement of development a light mitigation strategy, including measures to ensure lighting measures do not conflict with the bat use of the site, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme should include details of appropriate siting and type of external lighting to be used.

Reason:

In the interests of ecology and to ensure compliance within the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance) and MG20 (Nationally Protected Sites and Species) of the Local 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 buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

## REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), SP11 (Tourism and Leisure), MG7 (Provision of Community Facilities), MG20 (Nationally Protected Sites and Species), MG28 (Public Open Space Allocations), MG29 (Tourism and Leisure Facilities), MD1 (Location of New Development), MD2 (Design of New Development), MD3 (Provision for Open Space), MD5 (Development within Settlement Boundaries), MD7 (Environmental Protection), MD8 (Historic Environment), MD9 (Promoting Biodiversity) and MD13 (Tourism and Leisure) of the Vale of Glamorgan Adopted Local Development Plan 2011 – 2026, together with Policies 1 (Where Wales will grow), 2 (Shaping Urban Growth and Regeneration – Strategic Placemaking), 3 (Supporting Urban Growth and Regeneration – Public Sector Leadership) and 9 (Resilient Ecological Networks and Green Infrastructure) of Future Wales – The National Plan 2040; the advice contained within the Council's Biodiversity and Development, Penarth Conservation Area, Public Art in New Development, Sustainable Development - A Developer's Guide, Tourism and Leisure Development, Trees,

Woodlands, Hedgerows and Development and Penarth Conservation Area Appraisal and Management Plan Supplementary Planning Guidance as well as national policy and guidance contained within Planning Policy Wales and Technical Advice Notes 5 (Nature Conservation and Planning), 10 (Tree Preservation Orders), 12 (Design), 16 (Sport, Recreation and Open Space) and 24 (The Historic Environment) it is considered that the development is acceptable in terms of the design and visual impact and its effect on historic assets, the impact on privacy and amenity of neighbouring occupiers and park users, the impact on highway safety and the impact on trees and biodiversity

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

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

**NOTE:**

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

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

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

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

2. **Separate Highways Authority approval will be required for the provision of an uncontrolled pedestrian crossing point.**

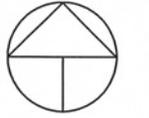
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the**

**submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.**

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



**NORTH**



**VALE of GLAMORGAN**



Vale of Glamorgan Council,  
 Property Section,  
 Civic Offices,  
 Barry CF63 4RU  
 Telephone (01446) 700111

Cyngor Bro Morgannwg,  
 Yr Adran Eiddo,  
 Swyddfeydd Dinesig,  
 Y Barri CF63 4RU  
 Ffon (01446) 700111

Property name/ Enw'r eiddo  
**Belle Vue Pavilion  
 Penarth**

Drawing/ Dyluniad  
**Location Plan**

Drawn/  
 Llyniwyd

Checked/  
 Gwiriwyd

Date/  
 Dyddiad **Nov 20**

Scale/  
 Graddfa **1:1250**

Job number/  
 Rhif y gwaith **PCW 11464**

Drawing number/  
 Rhif y luniad **AL(00)01**

Sheet/  
 Taflen **A4** Status/  
 Statws **For Planning**

**2021/00364/CAC** Received on 16 March 2021

**APPLICANT:** Vale of Glamorgan Council Court Road Depot, Barry Road, Barry, CF62 9BG

**AGENT:** Mr Huw Davies Civic Offices, Holton Road, Barry, CF63 4RU

### **Belle Vue Pavilion, Albert Crescent, Penarth**

Demolition of existing bowling pavilion and adjacent ancillary buildings, and removal of 3 no. existing trees. Construction of new shared use community building and associated external works to create level pedestrian access

### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr. Neil Thomas due to the considerable public interest in the application.

### **EXECUTIVE SUMMARY**

The application seeks conservation area consent for the demolition of the existing building to facilitate the development proposed under application 2021/00363/RG3.

Belle Vue Gardens comprises a formal, triangular shaped park. The Park is bound by Belle Vue Terrace to the north, Albert Crescent to the South, and Albert Road to the west. It is located within the Penarth settlement boundary as defined by the Local Development Plan. It is also located within the Penarth Conservation Area and is identified in the Penarth Conservation Area Appraisal and Management Plan as being a significant open space

The building has been extended and altered to an extent that it does not make a positive contribution to the character or appearance of the conservation area. The principle of its demolition is, therefore, acceptable.

14 letters of objection have been received at the time of writing this report.

The proposed development is considered acceptable and the application is recommended for APPROVAL, subject to conditions.

### **SITE AND CONTEXT**

The application site is located within the Penarth settlement boundary as defined by the Local Development Plan. It is also located within the Penarth Conservation Area.

Belle Vue Gardens comprises a formal, triangular shaped park. The Park is bound by Belle Vue Terrace to the north, Albert Crescent to the South, and Albert Road to the west.

The park is identified in the Penarth Conservation Area Appraisal and Management Plan as being a significant open space

The site is approximately 0.73 hectares and slopes down from the north-east to the south-west with the lowest part of the park being approximately 11 metres lower than the highest part. Mature trees surround the boundary of the site

Inside the park, the pavilion is located in the centre of the park, with the bowling green to the west and a children's play area to the north. There is a sloping lawn to the east of the pavilion.

The existing buildings comprise the original building which is of timber framed construction with green painted timber cladding on the outside under a pitched corrugated sheet roof painted red. The building has single glazed timber windows, the majority which are boarded up. The remaining buildings are of later construction and feature flat roofs.

It is understood that the existing buildings are currently used for a range of social, educational, play, sport and training activities in the park. The building is also the home to Belle Vue Bowling Club.

### DESCRIPTION OF DEVELOPMENT

The application seeks conservation area consent for the demolition of the existing bowling pavilion and the adjacent ancillary buildings.

An allied application has been submitted for the construction of a new shared use community building and associated external works to create level pedestrian access.

### PLANNING HISTORY

2000/00029/FUL, Address: Belle Vue Park, Albert Road, Penarth, Proposal: Erection of public art feature incorporating soft landscape., Decision: Approved

Also under consideration is

2021/00363/RG3, Address: Belle Vue Pavilion, Albert Crescent, Penarth, Proposal: Demolition of existing bowling pavilion and adjacent ancillary buildings, and removal of 3 no. existing trees. Construction of new shared use community building and associated external works to create level pedestrian access

### CONSULTATIONS

**Penarth Town Council** were consulted on 22 March 2021. In a response dated 7 April 2021 they advised "No objection".

The local **Ward Members** were consulted on 22 March 2021. In a response dated 22 March 2021 Cllr Thomas advised "I broadly support this application but I am disappointed that two significant trees are to be removed. I would hope that replacement at 3:1 Will be conditioned with a preference for native species. I would also expect some bird/bat boxes to be included in the design."

## REPRESENTATIONS

A site notice was displayed on 24 March 2021. The application was also advertised in the press on 16 April 2021.

Representations have been received from fourteen respondents. A summary of the responses is below:

- Concerns regarding the quality of the heritage impact assessment;
- Does not preserve or enhance the character or appearance of the conservation area;
- The building should be restored and listed;
- Proposal should replicate the look and character of the existing pavilion;
- Loss of green space;
- Loss of trees;
- No details of maintenance/management budgets;
- No justification of the expense of the building;
- No direct consultation with local residents;
- No account has been taken of the current provision of social space/toilet facilities available;
- Lack of parking;
- Negative effects of construction & potential increased use of the park;
- Concerns about effect on house prices;
- Concerns about how the building will be staffed;
- Concerns regarding proposed materials; and
- Concerns over views from residential properties surrounding the park.

It should be noted that this application is concerned only with the demolition of the existing building with the proposed building considered under the allied application (2021/00363/RG3).

## REPORT

### Planning Policies and Guidance

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

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

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

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

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

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

### Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

### Chapter 4 - Active and Social Places

- Community Facilities

### Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)

### **Technical Advice Notes:**

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

- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 24 – The Historic Environment (2017)

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

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 11/99 – Environmental Impact Assessment
- Welsh Office Circular 13/97 - Planning Obligations
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- Conservation Principles (2011) Cadw
- Heritage Impact Assessment in Wales
- Managing Conservation Areas in Wales
- Managing Historic Character in Wales
- Setting of Historic Assets in Wales
- BS 7913:2013 Guide to the Conservation of Historic Buildings

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

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

## Issues

The primary consideration for any demolition within a conservation area is the statutory requirement to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.

### The effect of the demolition on the character and appearance of the Conservation Area

The main issue is considered to be the effect of the demolition on the character and appearance of the conservation area.

The Penarth Conservation Area covers a substantial part of the town and represents the historic core of the town.

Whilst there are variations in style and detailing, the vernacular architecture that defines the character and appearance of the area is prevalent throughout with a relatively limited palette of materials, predominately Liassic limestone with render/washed finishes under natural slate roofs.

The Pavilion has undergone substantial alterations in the past which have, regrettably, detracted from its character and appearance to such a degree that the building is not considered to make a positive contribution to the character or appearance of the Conservation Area. It retains some evidential value but this is assessed as low.

The contribution of the site to the identified character and appearance is limited to the aesthetic and communal value of the trees, the general openness and the Public Right of Way that runs through the site. The stile and low boundary wall at the front of the site provides evidential, aesthetic and communal value. The buildings provide limited evidential value, although this has been substantially diluted through their earlier and substantial alteration.

Paragraph 6.1.17 of PPW states:

“Conservation area designation introduces control over the total or substantial demolition of unlisted buildings within these areas, but partial demolition does not require conservation area consent. Procedures are essentially the same as for listed building consent. When considering an application for conservation area consent, account should be taken of the wider effects of demolition on the building’s surroundings and on the architectural, archaeological or historic interest of the conservation area as a whole. Consideration should also be given to replacement structures. Proposals should be tested against conservation area appraisals, where they are available.”

Paragraph 6.13 of TAN 24 provides additional guidance relating to the demolition of unlisted buildings in conservation areas:

“There should be a general presumption in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (see 5.15). In cases where it is considered a building makes little or no contribution, the local planning authority will normally need to have full information about what is proposed for the site after

demolition. Consent for demolition should not be given without acceptable and detailed plans for the reuse of the site unless redevelopment is itself undesirable. The local planning authority is entitled to consider the broad principles of a proposed development, such as its scale, size and massing, when determining whether consent should be given for the demolition of an unlisted building in a conservation area.”

Whilst the building is of some age and retains some evidential value it has been the subject of extensions and alteration which have reduced its significance substantially. The building is not identified in the Penarth Conservation Area Appraisal and Management Plan (“the CAAMP”) as making a positive contribution to the character or appearance of the area. Following an inspection of the site, there is no reason to disagree with the findings of the CAAMP in this regard.

For this reason, there is no objection in principle to the demolition of the building, however, this is subject to the acceptability or otherwise of a replacement development scheme for the site. This has been considered separately under application 2021/00363/RG3.

Notwithstanding this, a condition (**Condition 02**) requiring a contract for works to be in place prior to the demolition of the buildings is also recommended.

#### Other Matters

Many of the representations received relate to matters that are considered under the allied application for planning permission and weight cannot be given to them in the determination of this application.

The impacts of the demolition of the building on protected species has been fully considered under associated planning application ref. 2021/00363/RG3. However, for completeness an Informative has also been recommended as part of this application to advise the applicant of the need to have a European Protected Species (EPS) Licence in place.

Where the representations are material to the determination of this application they have been considered above.

Where the representation is material to the determination of the allied planning application they have been considered in that application.

#### RECOMMENDATION

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

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

Reason:

To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. No works of demolition shall begin until a binding contract has been entered into for the carrying out of works for redevelopment of the site in accordance with all the necessary permissions and consents.

Reason:

To preserve the character and appearance of the conservation area.

#### REASON FOR RECOMMENDATION

The decision to recommend conservation area consent has been taken in accordance with Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that, in determining an application for conservation area consent the determination must be pay special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.

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

#### NOTE:

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

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

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

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

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

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

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

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



NORTH



TOTAL SITE AREA:  
 7,328 m<sup>2</sup>  
 0.73 ha



Vale of Glamorgan Council,  
 Property Section,  
 Civic Offices,  
 Barry CF63 4RU  
 Telephone (01446) 700111  
  
 Cyngor Bro Morgannwg,  
 Yr Adran Eiddo,  
 Swyddfeydd Dinesig,  
 Y Barri CF63 4RU  
 Ffon (01446) 700111

Property name/ Enw'r eiddo <b>Belle Vue Pavilion Penarth</b>	Drawing/ Dyluniad <b>Location Plan</b>
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Drawn/ Lyniwyd	Checked/ Gwiriwyd	Date/ Dyddiad	Scale/ Graddfa
		Nov 20	1:1250

Job number/ Rhif y gwaith	PCW 11464
Drawing number/ Rhif y lluniad	AL(00)01
Sheet/ Taflen	A4
Status/ Statws	For Planning

**2021/00508/FUL** Received on 12 April 2021

**APPLICANT:** Harp International, C/o Agent

**AGENT:** Mr Andy Carter AJ Carter Consulting, 450, Groveley Lane, Cofton Hackett, Birmingham, B45 8UQ

**Windward Terminal, Atlantic Way, Barry Docks, Barry**

Change of use from general industrial to LPG storage and distribution facility (sui generis) with ancillary structures

**REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr A.M. Collins because of a high level of public interest.

**EXECUTIVE SUMMARY**

The application site is located within the operational port area of Barry Docks. The Port of Barry comprises three docks, with this site being located to the north east of Dock No 3 and to the south west of Dock No 2, off Atlantic Way.

The proposal is for a change of use to an LPG storage and distribution facility (a sui generis use), together with ancillary structures. It is understood that the use, more specifically, would involve the inward movement and bulk storage of flammable liquids and Liquid Petroleum Gas. A concurrent application for Hazardous Substances Consent (ref: 2021/00524/HAZ) has also been made.

No public representations have been received.

Barry Town Council stated a strong objection on grounds that the applicants have failed to provide satisfactory information and details as required by a statutory consultee i.e. Natural Resources Wales, and will be detrimental to residential amenity by virtue of noise; traffic flows and general disturbance.

The principal matters considered in this application relate to the principle of the development, the environmental impact of the development, including upon neighbouring amenity, as well as transportation and highway safety. The report recommends that Members APPROVE planning permission for the development, subject to a number of conditions.

**SITE AND CONTEXT**

The application site is located within the operational port area of Barry Docks. The Port of Barry comprises three docks, with this site being located to the north east of Dock No 3 and to the south west of Dock No 2.

The application site relates to 3 vacant units and an open yard area. Access to the site would appear to be via an existing access over Associated British Ports land. The brownfield site is 'existing employment land' within the Local Development Plan (LDP) and

is also within the safeguarded minerals wharf docking facilities referenced under policy SP9 - Minerals.

An extract of the site location plan is shown below:

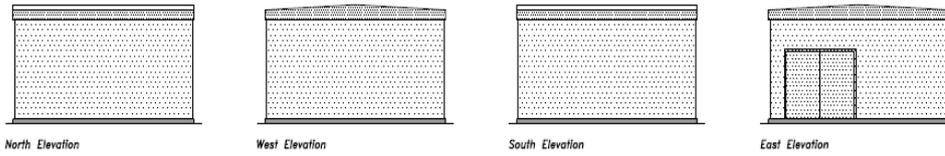


Access Plan 1:1250

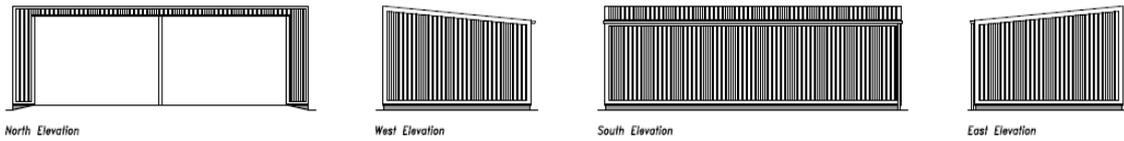
## DESCRIPTION OF DEVELOPMENT

Planning permission is sought for a change of use of the vacant site to an LPG storage and distribution facility, together with ancillary structures. It is understood that the use, more specifically, would involve the inward movement and bulk storage of flammable liquids (100 tonnes) and Liquid Petroleum Gas (LPG) (200 tonnes) which would be decanted into smaller vessels for distribution to customers. A concurrent application for Hazardous Substances Consent (ref: 2021/00524/HAZ) has also been made.

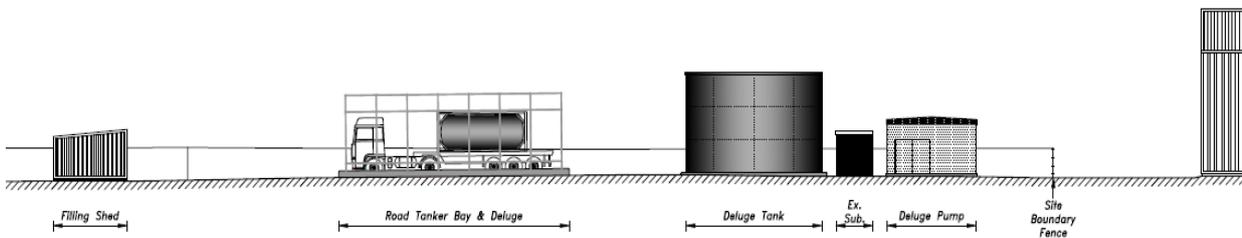
The proposed elevations are illustrated in the below extract:



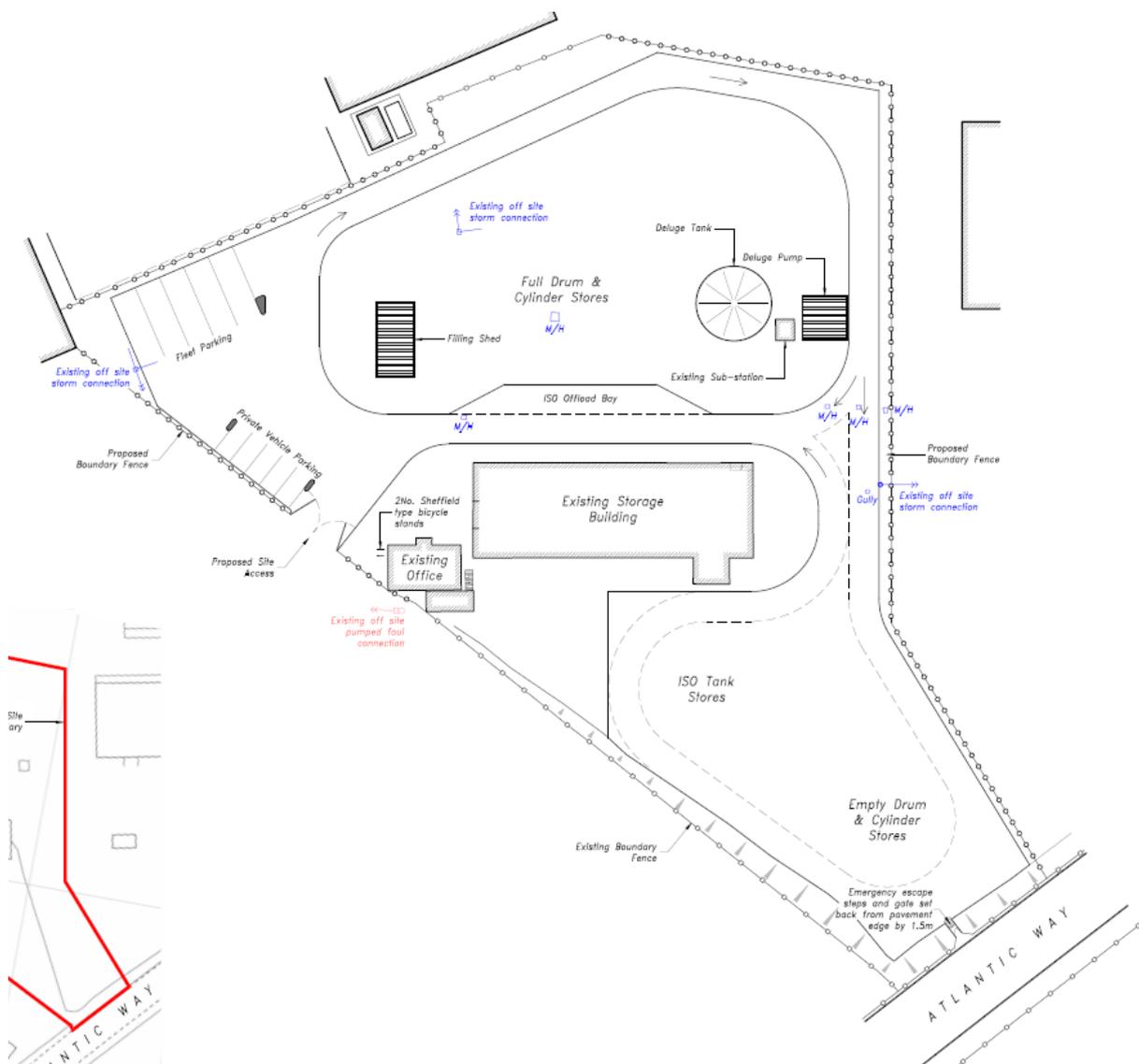
Deluge Pump House 1:100



Filling Shed 1:100



The proposed site layout is illustrated in the below plan extract:



## PLANNING HISTORY

1990/00877/FUL, Address: Atlantic Way, Barry Dock, Proposal: Demolish buildings and use site as a trailer rental depot, Decision: Approved

1990/00911/FUL, Address: Atlantic Way, Barry Dock, Proposal: Cover buildings with steel sheet cladding and erect a 2m high fence on the border, Decision: Approved

1993/00983/FUL, Address: Atlantic Way, Barry Dock - Central Trailer Rentco, Proposal: Erection of workshop for purposes of MOT testing of lorry trailers and tractor units, Decision: Approved

1997/00728/FUL, Address: Atlantic Way, Barry Dock, Proposal: Construct new tank wash facility and effluent plant in association with use of land for transport facility, Decision: Approved

1998/00605/ADV, Address: Atlantic Way, Barry Dock, Proposal: Tank Wash sign fitted to front of building and directional sign fitted to handrail at other end of dock, Decision: Approved

2021/00524/HAZ, Address: Windward Terminal, Atlantic Way, Barry Docks, Barry,  
Proposal: Change of use from general industrial to LPG storage and distribution facility  
(sui generis) with ancillary structures. Decision: not yet determined.

## CONSULTATIONS

**Barry Town Council** made a strong objection on grounds that the applicants have failed to provide satisfactory information and details as required by a statutory consultee i.e. Natural Resources Wales and will be detrimental to residential amenity by virtue of noise; traffic flows and general disturbance.

**Council's Highway Section** stated no objection but requested a condition that required submission of vehicle tracking analysis for the internal roads (and any amendments that may so be required) prior to first beneficial use.

**Council's Drainage Section** did not object and stated that the site is within DAM Zone B in an area known to have flooded in the past evidenced by sedimentary deposits and that NRW flood mapping indicated that there is a medium to high risk of surface water flooding in areas of the site.

It was also advised that new developments where the area covered by construction work equals or exceeds 100 square metres would require SuDS Approval Body (SAB) approval prior to the commencement of construction.

**Shared Regulatory Services** - no response received to date.

**Cllr A.M. Collins** requested that the application be called in for determination by Planning Committee on account of high public interest.

**Natural Resources Wales** stated no objection. They provided advisory notes in relation to the LPG storage tanks, drainage and compliance with the Control of Major Accident Hazards (COMAH) Regulations.

**Cllr I. Johnson** did not comment upon the merits of the scheme but supported the call-in request on account of the public interest and importance of transparency in the decision-making process.

**Cllr P Drake** (Castleland Ward) – no response received to date.

**Dwr Cymru /Welsh Water** stated no objection.

## REPRESENTATIONS

The neighbouring properties were consulted on 19 April 2021.

A site notice was also displayed on 29 April 2021.

No representations have been received to date.

## REPORT

### Planning Policies and Guidance

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

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP 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 SP5 – Employment Requirements  
POLICY SP9 – Minerals  
POLICY SP10 – Built and Natural Environment

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

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development  
POLICY MD7 - Environmental Protection  
POLICY MD9 - Promoting Biodiversity  
POLICY MD14 - New Employment Proposals  
POLICY MD16 - Protection of Existing Employment Sites and Premises

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

#### **Future Wales: The National Plan 2040:**

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:**

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

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

#### **Technical Advice Notes:**

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

- Technical Advice Note 11 – Noise (1997)

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

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

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

- Achieving a sustainable marine economy –
  - Contribute to a thriving Welsh economy by encouraging economically productive activities and profitable and sustainable businesses that create long term employment at all skill levels.
  - Provide space to support existing and future economic activity through managing multiple uses, encouraging the coexistence of compatible activities, the mitigation of conflicts between users and, where possible, by reducing the displacement of existing activities.
- Living within environmental limits
  - Support the achievement and maintenance of Good Environmental Status (GES) and Good Ecological Status (GeS).
  - Maintain and enhance the resilience of marine ecosystems and the benefits they provide in order to meet the needs of present and future generations.

### **Supplementary Planning Guidance:**

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

- Biodiversity and Development (2018)
- Parking Standards (2019)
- Minerals Safeguarding (2018)

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

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

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

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the

recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

## Issues

### Principle of the use/ Planning policy

The site is located within the operational port of Barry Docks and the site is ostensibly unoccupied at present. Policy MD16 - Protection of Existing Employment Sites and Premises is of high relevance to these proposals. The site is an existing employment site within the LDP and the policy states: -

*“Existing employment sites and premises proposals for non B1, B2 and B8 employment uses will only be permitted where:*

- 1. The proposal is for ancillary or sui generis uses that would not singularly or cumulatively lead to a material change in the nature of the employment site; or*
- 2. The existing employment use has unacceptable adverse impacts on amenity or the environment; or*
- 3. Land of equal or better quality is made available for employment uses elsewhere; or*
- 4. It is demonstrated that the site or premises is no longer suitable or viable for employment purposes; and*
- 5. The proposal would not prejudice existing or neighbouring employment uses, have an unacceptable impact on amenity or the environment and would not lead to a material change in the nature of the employment site.”*

The proposal is for a sui generis use, however, it is one that shares many characteristics with those within the B8 (storage and distribution) use class. The proposed use justifies a location of this type, given the character and appearance of the proposed operations/site and given that it would involve traffic movements and operations more suited to an industrial setting. The proposal would have no material or adverse impact on the nature of the wider ABP site as an employment site. The use would not prejudice neighbouring employment uses and would not singularly or cumulatively lead to a material change in the nature of the wider existing employment land. The proposed development is therefore considered compliant with the aims of Policy MD16.

The impact upon minerals safeguarding, neighbouring employment uses, amenity and the environment relevant to criterion 5 of Policy MD16 are considered in more detail below: -

### Minerals Safeguarding

Although the Wharf at Barry Docks has not been used for landing marine sand and gravel since 2005, it is recognised that this is a potential supply route of sand and gravel resource into the region. The application site is part of the wharf site referenced under criterion 4 of policy SP9 - Minerals.

The site is located in between Dock No. 2 (approximately 100 metres to the north east) and Dock No. 3 (approximately 65 meters to the south west) and adjoins ABP's offices and warehousing to the South. However, the site is ostensibly vacant and last in use as warehousing. The change of use would therefore not directly impact upon existing operational docking land and facilities. The development is would also not fetter the future ability to land deposits of marine sand and gravel – should such a strategic need arise. It is therefore compliant with Policy SP9 of the LDP.

### Parking and Access

Criterion 5 of Policy MD2 of the LDP requires developments to provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users. The identified vehicular access to the site would be from Atlantic Way, via ABP land to the south-east, as identified on the submitted site location plan.

The Council's Highways Engineer has been consulted and considered the development acceptable in relation to traffic generation. The site likely has a lawful employment use under Class B8 (Storage and Distribution) at present, and this proposal is unlikely to have a material impact upon the local highway network compared to the existing situation. The submitted plans have also been amended to provide for improved pedestrian visibility from the proposed emergency access, as well as cycle storage provision.

The Highway Engineer did not object but recommended a condition that would require a vehicle tracking exercise to be submitted by condition. This was to ensure that large vehicles (such as HGV's) could successfully negotiate the proposed one-way system. The applicant has confirmed that the largest vehicle accessing the site would be a 44-foot articulated demountable ISO tanker (including tractor unit) on a once a week frequency. The submitted planning statement anticipates that deliveries would number ten per week (but does not specify a vehicle type). In either event, the number of HGV movements to and from the site is likely to be low.

It has not been demonstrated with a tracking plan if the internal layout would accommodate the turning requirements of this vehicle. However, in practice, the approximately 4m wide lanes would accommodate most larger vehicles and provide for adequate access and operating space for fire appliances. The site also comprises an open hardstanding, and vehicles would therefore not likely be restricted to the marked lanes. Nonetheless, to be certain that the lanes are marked out, suitable for the end use and kept free of any external stored items or apparatus that could hinder free movement, it is considered reasonable to impose such a condition (see Condition 3). The wider highway network leading to the site is considered adequate to deal with the type of vehicles that would serve the development, and the site's location would not necessitate access via residential or other smaller, inappropriate roads.

The development is considered acceptable in relation to traffic generation, access, parking and highway safety, subject to the condition above.

### Storage of hazardous substances

Policy MD7 – Environmental Protection of the LDP states that proposals are required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from pollution, contamination, hazardous substances or any other identified risk to public health and safety.

The proposal involves the storage, processing, and distribution of potentially hazardous substances and a concurrent application for Hazardous Substances Consent has been made under The Planning (Hazardous Substances) (Wales) Regulations 2015. The material safety considerations of related to the storage of these products are considered in greater detail as part of the Officer's report for that application, given that the Hazard Substances Consent regime is the principal mechanism for this.

There have been no adverse comments made from the relevant statutory consultees for this application, which is recommended for approval, and on this basis the impacts relating to the storage of hazardous substances, such as to safety and the environment, are considered acceptable.

#### Impact upon neighbouring occupiers

The proposed use, as outlined above, is considered acceptable in principle and in relation to the existing employment site. The impact to neighbouring users within and adjacent to the site is also considered acceptable.

Policy MD2 – Design of New Development and MD7 – Environmental Protection of the LDP require that new development safeguard existing public and residential amenity, particularly regarding noise, dust odour and other disturbances. In this regard, it is noted that a planned residential development at East Quay is located approximately 180 meters to the north (as part of the Barry Waterfront strategic site allocation).

The impact in relation to the storage of hazardous substances is considered acceptable, noting that the housing site falls outside of the proposed HSE consultation zone for this development. In relation to the day to day operations of the site, it is considered that the proposed use would not have any significantly greater impact in relation to residential amenity than would occur from the existing/ lawful use, in conjunction with those that already exist within the employment site. The development is considered acceptable in relation to residential amenity.

#### Drainage

It is proposed to retain the existing foul drainage and surface water connections. These comprise a pumped connection to the main foul sewer and a connection to the existing storm drain. Welsh Water, Natural Resources Wales and the Council's drainage engineer have been consulted, and do not object in relation to these arrangements. The proposals are considered acceptable in relation to foul and surface water drainage.

#### Visual Impact

The site would be visible from Atlantic Way, as well as from the housing site at East Quay and other more distant vantage points. The proposed apparatus and fencing are nonetheless modest in size and would appear characteristic of the immediate area, which is largely industrial. The visual impact of the development is considered acceptable and in compliance with Policy MD2 of the LDP.

## RECOMMENDATION

### APPROVE 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:

45983\_SK1e - Site Layout

45983/Sk3 - Elevations

Reason:

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

3. Notwithstanding the submitted plans and details, a further layout plan of the access, parking and turning facilities shall be submitted to and approved by the Local Planning Authority. The plan shall include details of a vehicle tracking exercise undertaken, together with any revisions required to accommodate the largest vehicle type required to access the site. The access, parking and turning facilities shall thereafter be laid out in accordance with the approved details prior to the first beneficial use of the development, and retained to serve the development so long as it remains in existence.

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 Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

## REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to Policies SP1 – Delivering the Strategy, SP5 – Employment Requirements, SP9 – Minerals, SP10 – Built and Natural Environment, MD1 – Location of New Development, MD2 – Design of New Development, MD7 – Environmental Protection,

MD9 - Promoting Biodiversity, MD14 - New Employment Proposals, MD16 - Protection of Existing Employment Sites, Future Wales: The National Plan 2040, Planning Policy Wales (11th Ed.) and TANs 11- Noise, 18 – Transport, 23 – Economic Development, as well as the Biodiversity and Development, Minerals Safeguarding and Parking Standards SPG's, the development is considered acceptable in principle and in relation to minerals safeguarding, and would not cause significant harm to the environment, public safety or local amenity, and is also acceptable in relation to drainage, contamination, and visual amenity.

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

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

**NOTE:**

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

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

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

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

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

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

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**General Notes:**

This drawing to be read in conjunction with all relevant P. J. Barnett Associates drawings

All details and dimensions are to be confirmed on site, prior to works commencing or any ordering of materials

Do not scale off this drawing – use figured dimensions only 1:1 if in doubt – ask !!

**Drainage:**

Layout shown is based on the use of the existing handstanding areas and site drainage as shown on the topographical survey.

New storm water connections from the roofs of the proposed buildings are to be made to the existing site network.

2021/00508/FUL

**PRELIMINARY**  
For Planning Purposes Only

- Rev E. Cycle rack added to drawing 06.06.21 SBB
- Rev D. Drainage added, escape door amended 22.07.21 SBB
- Rev C. Access plan added 30.03.21 SBB
- Rev B. Layout revised 08.03.21 SBB
- Rev A. Layout revised 14.07.20 SBB

**P. J. Barnett Associates**  
Consulting Engineers

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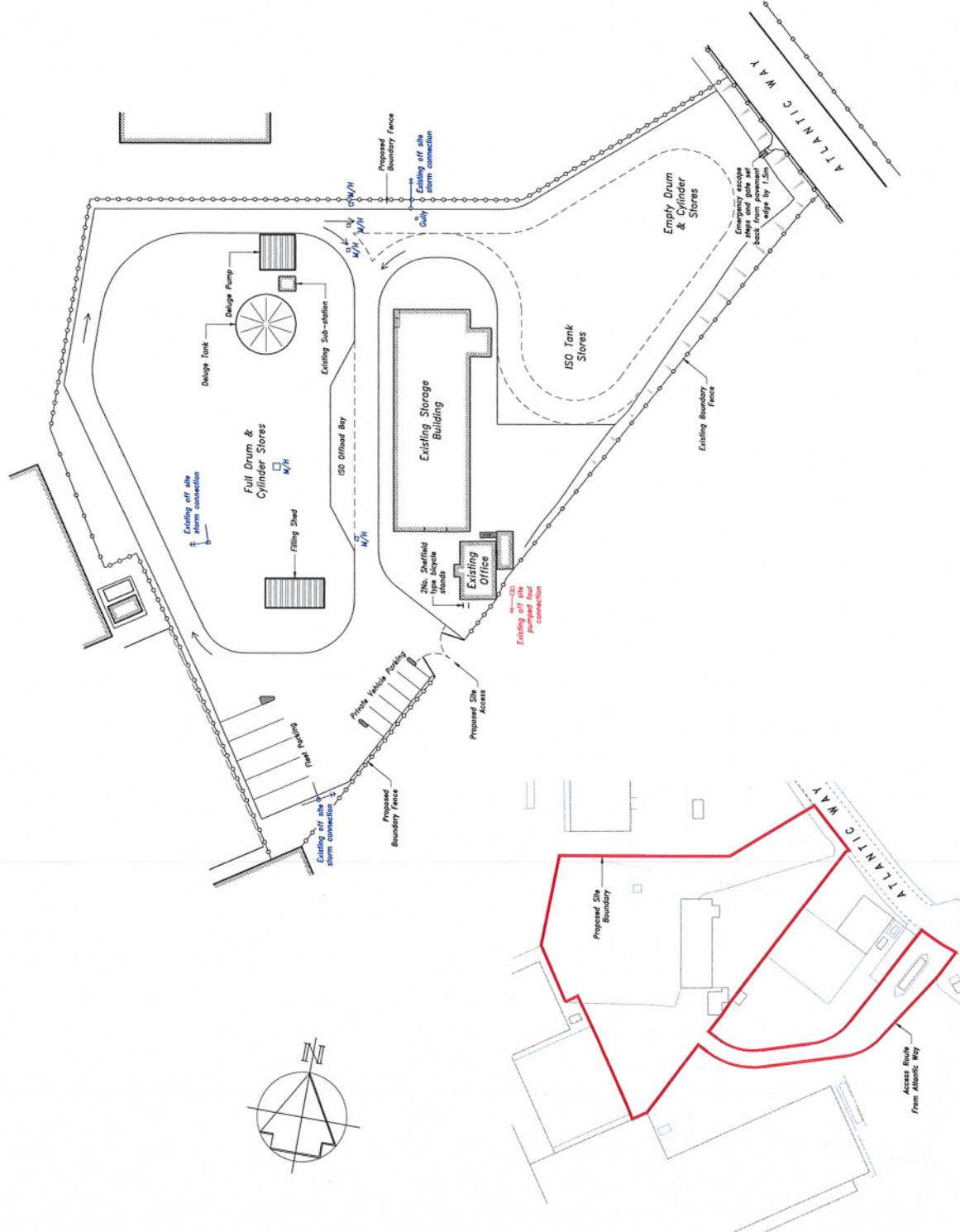
Job Title

Harp International Limited  
Proposed LPG Installation  
Atlantic Way, Barry Docks

Drg. Title

Site Layout

Scale	1:500 @ A2	Dwg. No.	
Date	June 2020		
Drawn	S.R.Ball		
Checked			45983/SK1e



Access Plan 1:1250

**2021/00524/HAZ** Received on 12 May 2021

**APPLICANT:** Harp International, C/o Agent

**AGENT:** Mr Andy Carter, 450 Groveley Lane, Cofton Hackett, Birmingham, B45 8UQ

**Windward Terminal, Atlantic Way, Barry Docks, Barry**

Change of use from general industrial to LPG storage and distribution facility (sui generis) with ancillary structures

**REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr A.M. Collins because of a high level of public interest.

**EXECUTIVE SUMMARY**

The application site is located within the operational port area of Barry Docks. The Port of Barry comprises three docks, with this site being located to the north east of Dock No 3 and to the south west of Dock No 2, off Atlantic Way.

The is for hazardous substances consent made under the Planning (Hazardous Substances) (Wales) Regulations 2015 ("The Regulations"), for storage of up to 200 tonnes of Liquid Petroleum Gas and up to 100 tonnes of Category 1 flammable gases. A concurrent application for change of use of the site to create a storage and distribution facility (ref: 2021/00508/FUL) has also been made.

The matters considered in this application relate to the planning implications for the storage of hazardous substances on this site. In determining the application, the Regulations state that the results of the consultation undertaken must be taken into account.

No public representations have been received.

Barry Town Council stated a strong objection on grounds that the applicants have failed to provide satisfactory information and details as required by a statutory consultee i.e. Natural Resources Wales and will be detrimental to residential amenity by virtue of noise; traffic flows and general disturbance.

Natural Resources Wales stated no objection. They provided advisory notes in relation to the LPG storage tanks, drainage and compliance with the Control of Major Accident Hazards (COMAH) Regulations. The Health and Safety Executive concluded that the risks to the surrounding population arising from the proposed operation(s) are so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent.

Having regard to the outcome of the consultation, the report recommends that Members resolve to APPROVE this application for Hazardous Substances Consent.

## SITE AND CONTEXT

The application site is located within the operational port area of Barry Docks. The Port of Barry comprises three docks, with this site being located to the north east of Dock No 3 and to the south west of Dock No 2.

The application site relates to 3 vacant units and an open yard area. Access to the site would appear to be via an existing access over Associated British Ports land. The brownfield site is designated as existing employment land designation within the Local Development Plan (LDP) and is also within the safeguarded minerals wharf docking facilities referenced under policy SP9 - Minerals.

An extract of the site location plan is shown below:



Access Plan 1:1250

## DESCRIPTION OF DEVELOPMENT

Hazardous substances consent is sought for the storage of flammable liquids (100 tonnes) and Liquid Petroleum Gas (LPG) (200 tonnes), which is intended to be transported to the site in bulk before being decanted into smaller vessels for distribution to customers. A concurrent planning application for change of use of the site to facilitate this development (ref: 2021/00508/FUL) has also been made.

## PLANNING HISTORY

1990/00877/FUL, Address: Atlantic Way, Barry Dock, Proposal: Demolish buildings and use site as a trailer rental depot, Decision: Approved

1990/00911/FUL, Address: Atlantic Way, Barry Dock, Proposal: Cover buildings with steel sheet cladding and erect a 2m high fence on the border, Decision: Approved

1993/00983/FUL, Address: Atlantic Way, Barry Dock - Central Trailer Rentco, Proposal: Erection of workshop for purposes of MOT testing of lorry trailers and tractor units, Decision: Approved

1997/00728/FUL, Address: Atlantic Way, Barry Dock, Proposal: Construct new tank wash facility and effluent plant in association with use of land for transport facility, Decision: Approved

1998/00605/ADV, Address: Atlantic Way, Barry Dock, Proposal: Tank Wash sign fitted to front of building and directional sign fitted to handrail at other end of dock, Decision: Approved

2021/00508/FUL, Address: Windward Terminal, Atlantic Way, Barry Docks, Barry, Proposal: Change of use from general industrial to LPG storage and distribution facility (sui generis) with ancillary structures, Decision: Not yet determined.

## CONSULTATIONS

**Barry Town Council** made a strong objection on grounds that the applicants have failed to provide satisfactory information and details as required by a statutory consultee i.e. Natural Resources Wales and will be detrimental to residential amenity by virtue of noise; traffic flows and general disturbance.

**Health and Safety Executive** concluded that the risks to the surrounding population arising from the proposed operation(s) are so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent.

It was also stated that a consultation area, made up of the set of zones marked on an attached map, has been determined. It was recommended that any consent be subject of the following condition:

*"The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the application form (including the application of UKLPG Codes of Practice), nor outside the areas marked for storage of the substances on the plans which formed part of the application (including Harp International Ltd, Proposed LPG Installation, 'Site Layout', Drawing No: 45983/SK1c, dated June 2020)."*

**Natural Resources Wales** stated no objection. They provided advisory notes in relation to the LPG storage tanks and drainage.

In addition, advice was provided in relation to the requirements of the Control of Major Accident Hazards (COMAH) Regulations 2015. The regulations require notification of the Competent Authorities, and it was advised that the applicant prepare a Major Accident Prevention Policy and implement this by a Safety Management System. A public information zone will be defined by the HSE and the duty holder will be expected to provide information to people and businesses affected, should there be a major accident and provide information to the Local Authority so they can prepare an External Emergency Plan.

**South Wales Fire and Rescue Service** – no response received to date.

**Shared Regulatory Services** - no response received to date

**Cllr A.M. Collins** requested that the application be called in for determination by Planning Committee on account of high public interest.

**Cllr I. Johnson** did not comment upon the merits of the scheme but supported the call-in request on account of the public interest and importance of transparency in the decision-making process.

**Cllr P Drake** (Castleland Ward) – no response received to date.

**Wales and West Utilities** stated they had no planning objections to the proposals and provided advisory notes comprising of utilities maps, private law rights, easements, and safe working practices in the vicinity of their apparatus.

**Western Power** provided advisory notes and an asset map which shows no apparatus in the immediate vicinity of the site. It was also advised that if a new connection or a service alteration was required, a separate direct application would need to be made.

## REPRESENTATIONS

The neighbouring properties were consulted on 18 May 2021.

A site notice was also displayed by the applicant on 21 April 2021.

The application was also advertised in the press by the applicant on 21 April 2021.

No representations have been received.

## REPORT

### Planning Policies and Guidance

Planning policies are not of relevance in the determination of hazardous substances consent applications. This application has been considered based on the regulations set out in the Planning (Hazardous Substances) (Wales) Regulations 2015. It states that in determining the application, the results of the consultation undertaken must be taken into account.

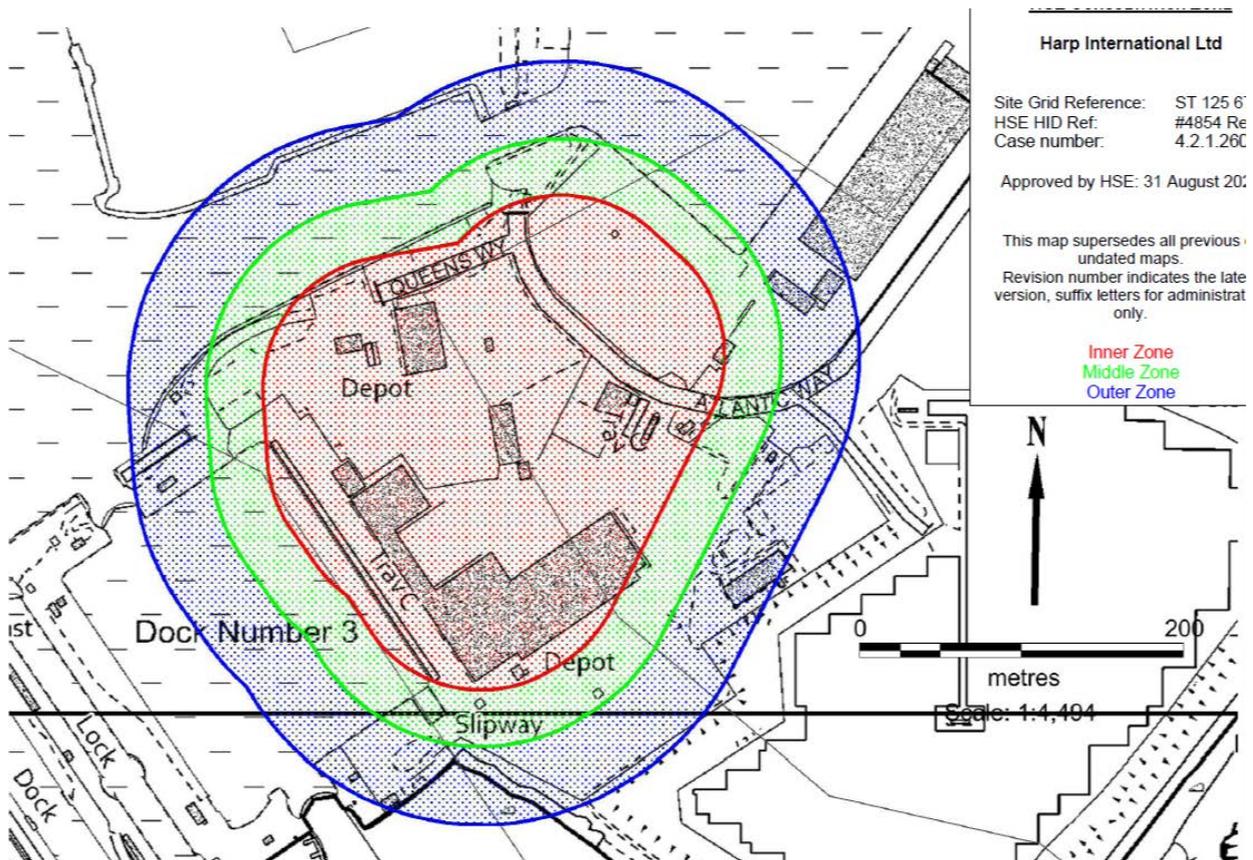
### **Well-being of Future Generations (Wales) Act 2015**

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

## Issues

The proposal involves the storage, processing, and distribution of potentially hazardous substances.

There are no existing Health and Safety Executive (HSE) consultation zones located on the site or its immediate surroundings. The nearest of these zones is located at the eastern end of Dock No. 2, and the majority of existing HSE consultation zones are located further east at the Barry Chemical Complex. In consultation to this application, HSE have produced a consultation zone map, effective should this development be granted consent. This is shown on the plan extract below:



Most of the surrounding land is operational port land ostensibly owned by Associated British Ports, although some of the land is vacant and/ or used for other employment/ storage and distribution purposes. The risks to the current population in existing development surrounding the site have been considered by HSE, who conclude they are so small that there are no significant reasons, on safety grounds, for refusing hazardous substances consent. In reaching this conclusion, it is assumed that the requirements of the Health and Safety at Work etc. Act 1974, and all relevant statutory provisions (such as COMAH Regulations) – as required for all operators handling hazardous substances, are met. HSE recommended any consent be subject of Condition 1.

In addition, there is a planned residential development at East Quay (located approximately 180 meters to the north) as part of the Barry Waterfront strategic site allocation. The approved site area for this development is set inside of the dock embankment to the south, as depicted on the site layout extract below. The housing site is therefore fully outside of the consultation zone identified by HSE.



National Resources Wales have also stated no objection, in their role as an environmental body/ regulator and a Competent Authority under the COMAH regulations. These regulations require businesses to notify the Competent Authorities and consider the potential for a major accident arising from their work activities and describe their approach to controlling the risks in a major accident prevention policy (MAPP).

In view of the consultation responses provided by the statutory consultees and having considered the land use planning implications of the proposal, the Officer's recommendation is to approve the update to the hazardous substances consent approved for LPG and flammable gases, as described in the schedule of this application.

### REASON FOR RECOMMENDATION

The decision to recommend that Hazardous Substances consent be granted has been taken following consultation with the relevant statutory consultees and requirements of the Planning (Hazardous Substances) (Wales) Regulations 2015.

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

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

### RECOMMENDATION

APPROVE subject to the following condition(s):

1. The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the application form (including the application of UKLPG Codes of Practice), nor outside the areas marked for storage of the substances on the plans which formed part of the application (including Harp International Ltd, Proposed LPG Installation, 'Site Layout', Drawing No: 45983/SK1e, dated June 2020)

Reason:

For the avoidance of doubt as to the approved development and in the interests of Health and Safety

**NOTE:**

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

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

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

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

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**General Notes:**

This drawing to be read in conjunction with all relevant P J Barnett Associates drawings

All details and dimensions are to be confirmed on site, prior to works commencing or any ordering of materials

Do not scale off this drawing – use figured dimensions only ! if in doubt – ask !

**Drainage:**

Layout shown is based on the use of the existing hardstanding areas and site drainage as shown on the topographical survey.

New storm water connections from the roofs of the proposed buildings are to be made to the existing site network.

**PRELIMINARY**

For Planning Purposes Only

- Rev E. Civils work added to kerbing 06.08.21 SWB
- Rev D. Drainage added, enclose door amended 22.07.21 SWB
- Rev C. Access plan added 30.03.21 SWB
- Rev B. Layout revised 08.03.21 SWB
- Rev A. Layout revised 14.07.20 SWB

**P. J. Barnett Associates**  
Consulting Engineers

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Job Title

Harp International Limited  
Proposed LPG Installation  
Atlantic Way, Barry Docks

Dwg. Title

Site Layout

Scale 1:500 @ A2

Date June 2020

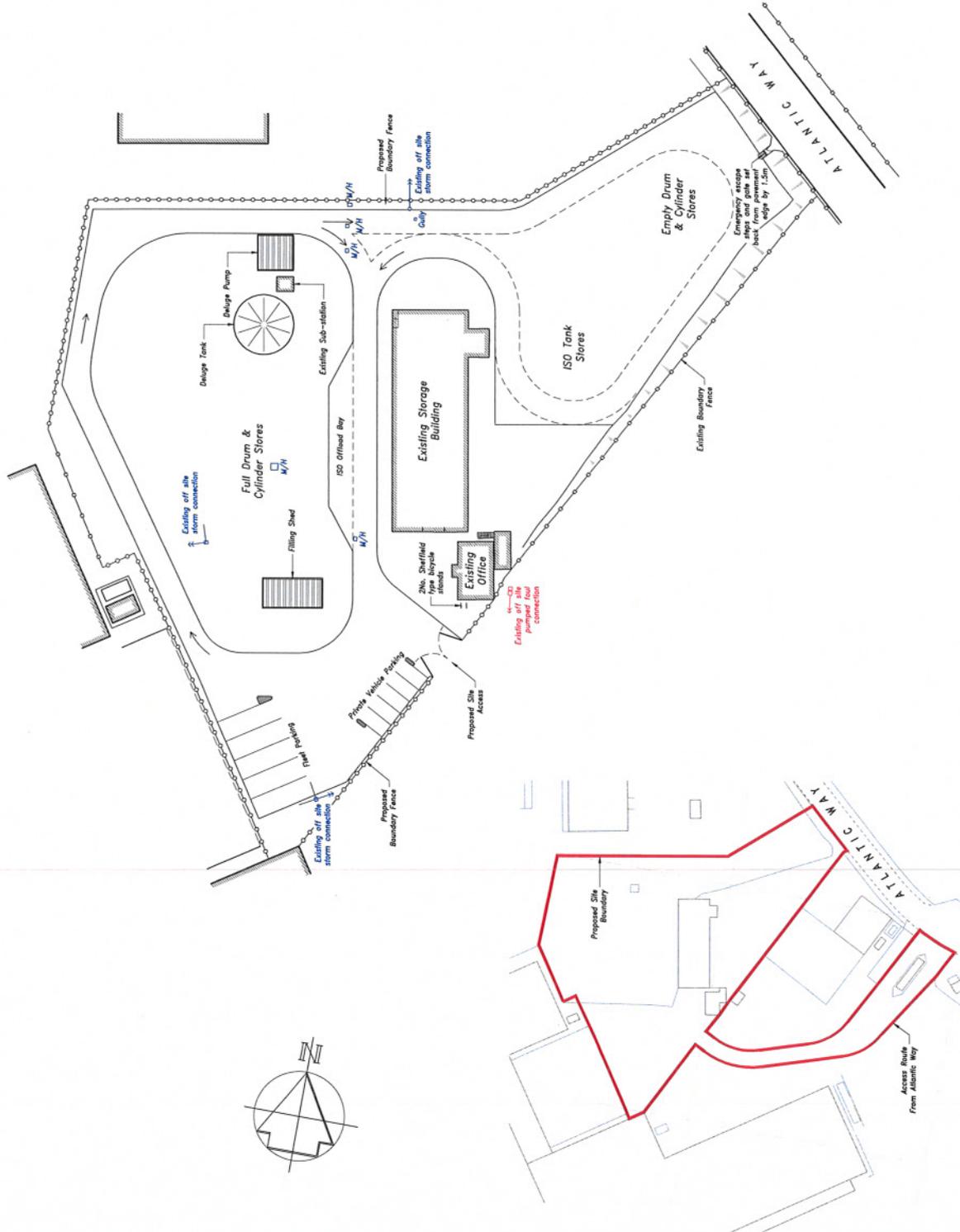
Drawn S.R.Ball

Checked

Dwg. No.

45983/SK1e

**2021/00524/HAZ**



Access Plan 1:1250

**2021/00909/FUL** Received on 28 July 2021

**APPLICANT:** Leigh Jones C/O Agent

**AGENT:** Miss Meja-Marie Hubbarde Rhughes Designs, Studio 1, The Platform,  
Hemmingway Road, Cardiff, CF10 5LS

### **Ty J, The Verlands, Cowbridge**

Variation of Conditions 2 (Plans) 10 (Sample) 11 (Means of enclosure) and 14 (Materials) of Planning Permission 2010/01166/FUL: New dwelling

### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr Parker, Cllr Hunter Jarvie and Cllr Geoff Cox for the reason of the level of public interest.

### **EXECUTIVE SUMMARY**

This a Section 73 application to vary conditions 2, 10 & 11 of the original planning permission granting consent for a new dwelling. The approved dwelling has been constructed and is occupied. This application seeks to vary the approved plans whilst providing details of external materials and details of means of enclosure.

To date 3 local residents have objected to the proposal citing concerns mainly relating to the proposed cladding and the proposed fencing.

Having considered the proposal and the previously approved plans, it is concluded that the proposed cladding, whilst modern in its appearance would not result in harm to the visual amenities of the area. In addition, the amended proposed 1.8 metre high timber enclosure would not adversely impact the character or openness of the wider area.

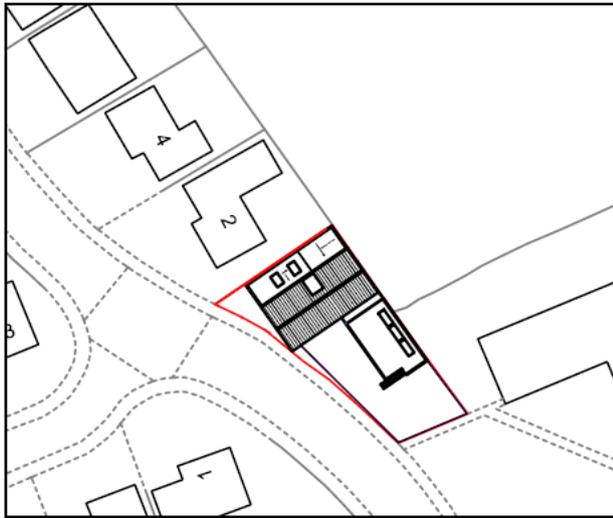
Having considered the above, the application is recommended for APPROVAL.

### **SITE AND CONTEXT**

The application relates to a recently partly constructed two storey dwelling on the former garden of No. 2 The Verlands. The application dwelling is now known as Ty J and is within the settlement boundary of Cowbridge.

The application site adjoins the Cowbridge Conservation Area and Upper Thaw Valley Special Landscape Area, which includes the playing fields to the rear of the site. The Verlands are predominantly uniform in scale and design. The wider area can be categorised as residential.

An extract of the site location plan can be viewed below:



## DESCRIPTION OF DEVELOPMENT

This is an application vary conditions 2 (approved plans), 10 (Samples) and 11 (Details of means of enclosure) of planning permission 2010/01166/FUL for a New Dwelling.

### Condition 2 states:

*This consent shall only relate to the amended plans reference 024-PL-00 Rev.A, 024-PL-01 Rev.A, 024-PL-02 Rev.A, 024-PL-03 Rev.A, 024-PL-04 Rev.A received on 7 December 2010 and the development shall be carried out strictly in accordance with these details.*

### *Reason:*

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

### Condition 10 states:

*Prior to work commencing on the external facing of the development hereby permitted, a sample of the proposed timber cladding shall be submitted to and approved in writing by the Local Planning Authority. Construction work shall only commence once written approval has been given.*

### *Reason:*

*To enable the quality of the materials to be inspected in the interests of the visual quality of the work and to accord with the objectives of Policy ENV 27 of the Unitary Development Plan.*

### Condition 11 states:

*Notwithstanding the submitted plans or the terms of the Town and Country Planning ( General Permitted development ) Order 1995 or any order amending re-voking or re-enacting that order howsoever, 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 the commencement of development, and*

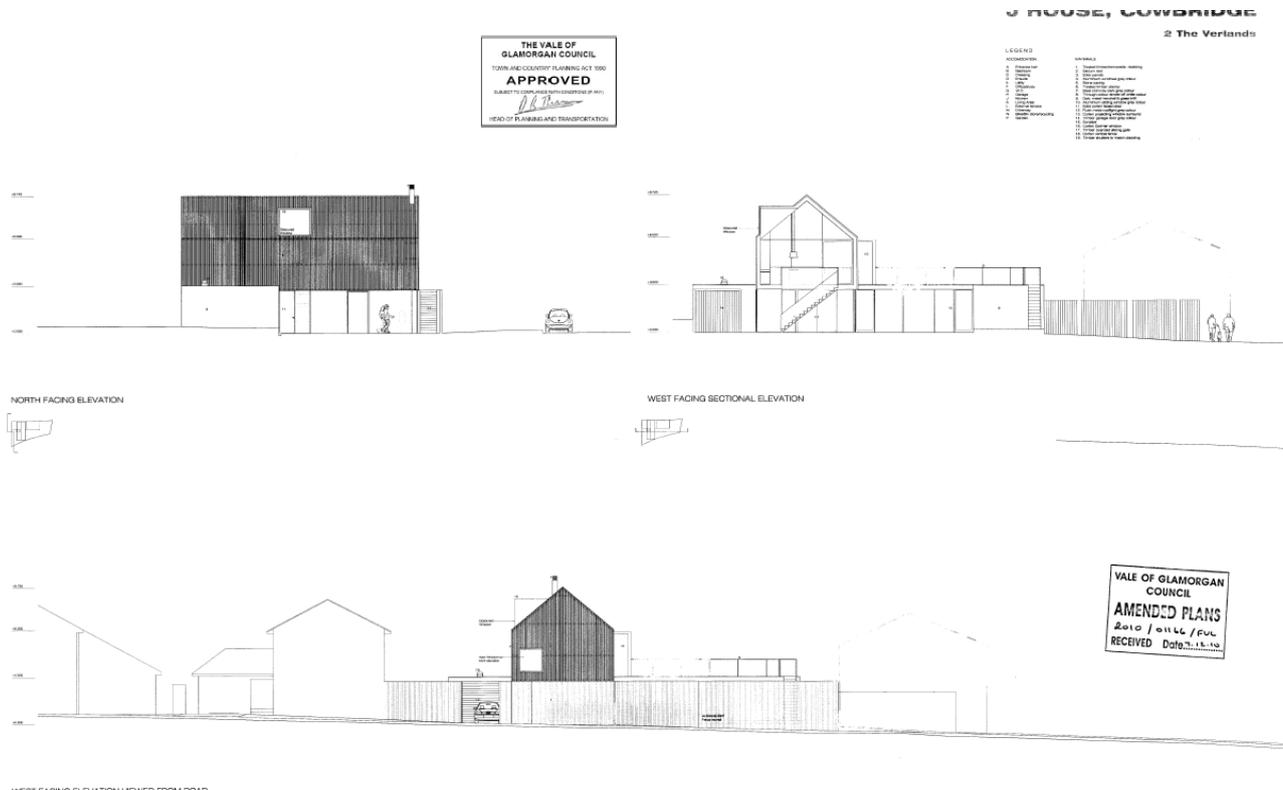
*the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.*

**Reason:**

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

This application primarily seeks to vary the external cladding from the approved timber to standing seam “metallic copper” colour coated steel to the upper elevations and roof and seeks consent for a 1.8 metre timber fence to enclose the side garden. Extracts of the approved plans and proposed plans are shown below.

**APPROVED PLANS**







PROPOSED LEFT SIDE ELEVATION



PROPOSED RIGHT SIDE ELEVATION



PROPOSED FRONT ELEVATION WITH FENCE BOUNDARY TREATMENT



## PLANNING HISTORY

2010/01166/FUL, Address: 2, The Verlands, Cowbridge, Proposal: New dwelling (NMA), Decision: Approved.

2010/01166/1/CD, Address: 2, The Verlands, Cowbridge, Proposal: Conditions discharge 7 and 9 -Tree Protection Scheme & 12-Floor Levels New dwelling, Decision: Approved.

2010/01166/1/NMA, Address: 2, The Verlands, Cowbridge, Proposal: Non Material Amendment - Condition 11- Means of enclosure - paragraph that read 'Prior to the commencement of development' be amended to read 'Prior to work commencing on the means of enclosure' Conditions 4,5,6 - Code of sustainable Homes - Conditions to be removed from the planning permissions. Planning permission ref. 2010/01166/FUL: New dwelling, Decision: Approved.

2010/01166/2/NMA, Address: 2, The Verlands, Cowbridge, Proposal: Non Material Amendment - Pitched roof cover-change from timber/composite cladding to zinc roof and east facing elevations - introduce part rendered panel to compliment existing garage glazed aspect. Planning permission ref. 2010/01166/FUL: New dwelling, Decision: Refused.

## CONSULTATIONS

**Cowbridge with Llanblethian Town Council** were consulted on 10 September 2021. No response was received at the time of writing this report.

**Cowbridge Ward Members** were consulted on 10 September 2021. A response received from Cllrs Parker, Jarvie and Cox requests that the application be called in to committee.

## REPRESENTATIONS

The neighbouring properties were consulted on 10 September 2021 and a site notice was also displayed on 20 August 2021. To date objections have been received from 3 local residents. The objections are summarised below:

- Concerns about the delay in workings being completed
- Fencing would be out of character
- Cladding would be out of keeping
- Concerns about the garden being concreted over and used for parking
- Inaccuracies in the submission

## REPORT

### Planning Policies and Guidance

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

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

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy

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

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

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

#### **Future Wales: The National Plan 2040:**

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:**

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

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

### **Technical Advice Notes:**

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

- Technical Advice Note 12 – Design (2016)

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

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

### **Supplementary Planning Guidance:**

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

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

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

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

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

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

### Issues

The proposal is to vary condition 2, 10 & 11 to allow amendments to the previously approved plans. The original planning application in 2010 considered the impact of the proposed development on the character and visual amenities of the surrounding area,

including the adjoining conservation area and Special Landscape Area. Given the amendments proposed, the main issues are considered to remain the same.

However, since planning permission was granted in 2016, the Local Development Plan has been adopted, replacing the Unitary Development Plan which was the adopted development plan at the time permission was granted, and a further edition of Planning Policy Wales has also been published. The proposal will need to be considered against these updated policies.

### Design/Visual Impact

In policy terms the site lies within the settlement boundary for Cowbridge as defined in the LDP. Policy MD5 relates to Development within Settlement Boundaries and permits development subject to certain criteria, including, criterion 3 – is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality.

Policy MD2 which relates to the Design of New Development also has a criteria relating to context, and criterion 1 which requires new development to be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest.

The original permission related to the erection of a contemporary designed detached 4 bedroom dwelling with an attached garage and a large roof terrace with a glazed balustrade. The original plans proposed a timber fence enclosing the side garden and timber cladding on the external face of the dwelling. This was considered acceptable in respect of impact on character of the immediate area and wider conservation area.

In terms of the timber cladding, this was not an established feature within the streetscene but was nevertheless considered acceptable and in keeping with the contemporary design of the dwelling. The proposal now seeks to use “metallic copper” colour coated steel cladding instead of the timber cladding to the upper elevations and roof.

In terms of its impact on the proposed dwelling, similar to the approved timber, its use and the way it is detailed on the upper elevations and roof will be in keeping with the contemporary design of the dwelling. The “metallic copper”, finish is considered appropriate, replicating the warmer tones of timber and will somewhat resemble the colour of brickwork seen within the immediate streetscene.



*Example of brickwork providing similar tones within the streetscene*

The proposed dwelling would assimilate within the streetscene and wider area once completed and would not detract from it. The addition of the metal cladding would result in the property being more prominent and its acceptance within the streetscene would be very much based on personal taste. However, high quality modern designs should be encouraged where appropriate and, in this instance, it is considered acceptable.

In respect of the timber fencing, the amended plans now propose a 1.8 metre high boundary enclosure formed by Silver Birch fencing. The plans as submitted proposed a 2.4 metre high fence, however due to concerns in respect of the excessive height of this enclosure and impact of the street scene this has now been amended to a 1.8 metre high fence which would not look out of keeping within the streetscene given that there are similar boundary enclosures nearby.



View of brick boundary enclosure further along street



*View of brick boundary enclosure opposite application site*

In general, The Verlands estate does not feature boundary enclosures across the front/side of dwellings, but a number of corner properties do have solid enclosures. Every application is judged on its own merits and given the siting of this dwelling on edge of the estate, it is clear from visiting the site that the proposed fence would not look out of keeping or harm the visual amenities of the wider area.

The site adjoins the Cowbridge Conservation Area and the Upper Thaw Valley Special Landscape Area but is outside both designations. Nevertheless, having considered the proposal against these designation, it is considered that the proposal would preserve the character of the conservation area and would not harm the special qualities of the special landscape area.

The property would not be viewed in the context of the Conservation Area or the special landscape designation in the wider sense and when viewed from both designations, only one elevation would be strictly visible which would have significant glazing and cladding at first floor only. As such, the proposal is considered acceptable in respect of the special landscape designation and Conservation Area designation.

#### Impact upon neighbours

Policy MD2 of the LDP and the Council's SPG on Residential and Householder Development seek to ensure adequate amenity for the occupiers of not only new housing but also the existing properties. Criterion 8 of policy MD2 requires that new development safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

Whilst the proposal would alter the appearance of the proposed dwelling, the changes proposed are not considered to result in the dwelling being overbearing or unneighbourly given that the scale will not change. No additional openings are being proposed, as such the privacy of neighbouring properties will also not be affected.

#### Other Matters

Comments relating to the cladding and fencing being out of character and harmful are noted and these matters have been addressed in the body of the report. Concerns relating to the garden being concreted and used for parking of vehicles are also noted. The site benefits from a crossover and is served with off road parking space. The garden does not

benefit from a crossover and should not be used for parking. The finishes of the garden are considered acceptable and have been considered to meet the needs of the applicant and his family.

Overall, the proposal is considered acceptable.

### REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), and MD5 (Development Within Settlement Boundaries) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040; Supplementary Planning Guidance on Residential and Householder Development; and national guidance contained in Planning Policy Wales, and TAN12 (Design); it is considered that the proposal does not detract from the character of the dwelling and the wider area. The proposal is also considered acceptable in terms of its impact on neighbouring occupiers and 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.

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

### RECOMMENDATION

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:

- Cladding Sample Photo Received on 16 Augst 2021.
- Amended PP/100 Proposed Front and Rear Elevation Received on 20 August 2021.
- Amended PP/200 Proposed Side Elevations Received on 20 August 2021.
- Amended PP/500 Site Plan Showing Extent of fence Received on 02 September 2021.
- Amended PP/400 Proposed Front Elevation with Boundary Fence Received on 17 September 2021.

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 that land drainage run-off and surface water 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 MD7 of the Local Development Plan.

4. Within 6 months of the date of this permission, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing and proposed trees and other landscaping.

Reason:

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

5. 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 approval of the landscaping scheme. 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 terms of Policies SP1 (Delivering the Strategy) & MD2 (Design of New Developments) of the Local Development Plan.

6. The window in the dormer to the side (north) elevation shall be a non-opening window and fitted with obscure glazing at the time of construction of the development hereby approved 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 Policy MD2 (Design of New Developments) of the Local Development Plan.

**NOTE:**

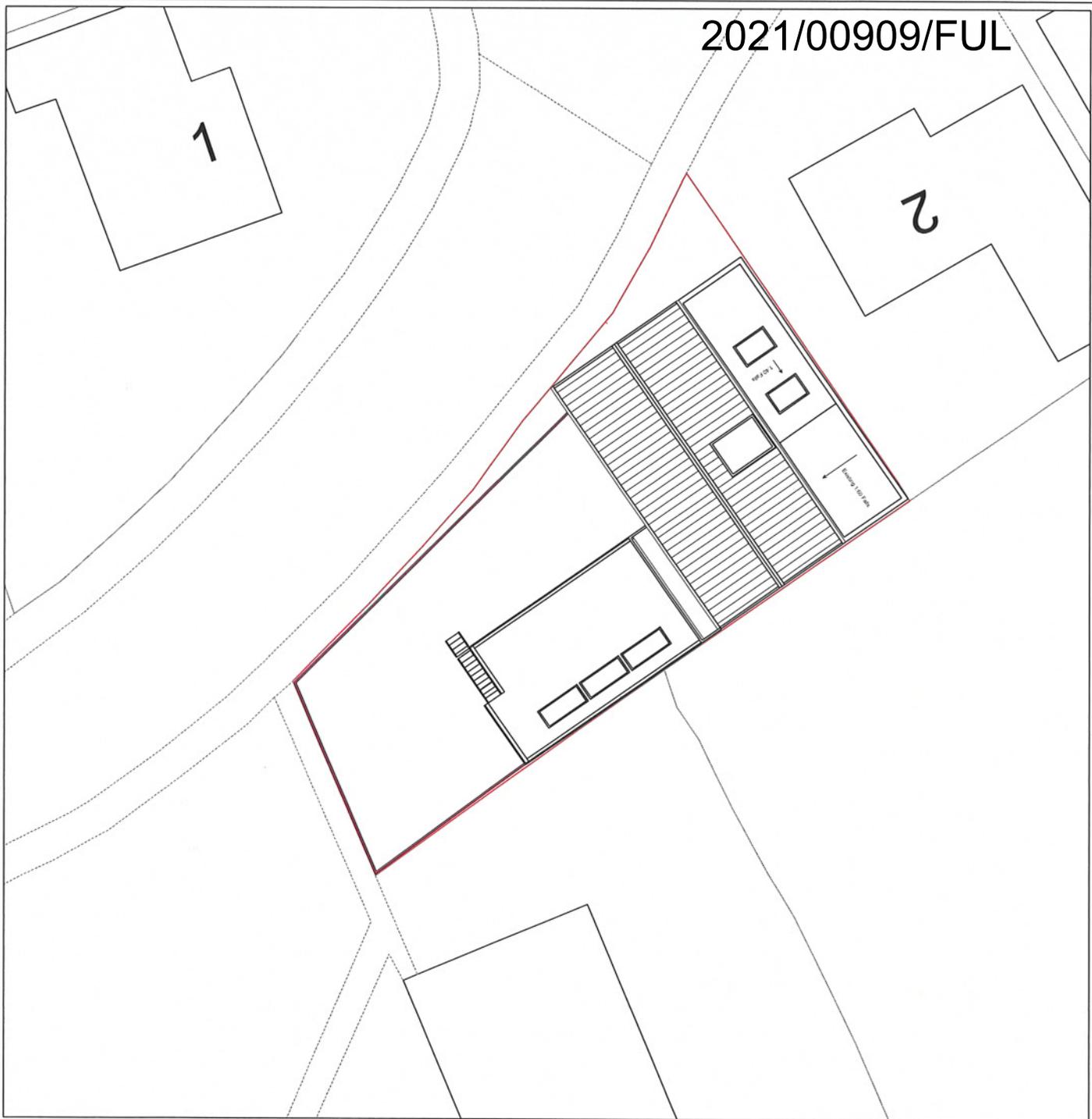
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

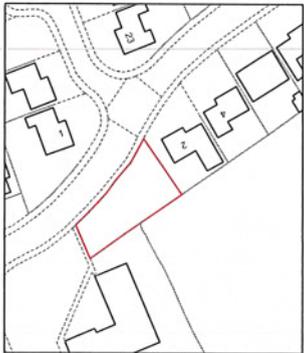
**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised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

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

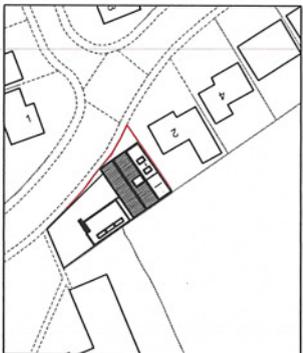
2021/00909/FUL



Block Plan



Site Location Plan 1:1250



Key	
Fence	
Site Boundary	

02922 362706 WWW.RHUGHESDESIGNS.COM  
ENQUIRIES@RHUGHESDESIGNS.COM

**R. HUGHES**  
DESIGNS



Client	Leigh Jones	Date	02/09/2021
Project Address	TY J The Verlands, Cowbridge CF71 7BY	Sheet A3	
Drawing Title	PP500 Proposed Site Plan	Scale	1/200
Drawn By	RD		

**2021/00958/FUL** Received on 16 July 2021

**APPLICANT:** Mr Peter Zehetmayr Tower Hill Residential Home, 54 Plymouth Road, Penarth, CF64 3DB

**AGENT:** Mr Peter Zehetmayr Tower Hill Residential Home, 54 Plymouth Road, Penarth, CF64 3DB

### **Tower Hill Residential Home, 54, Plymouth Road, Penarth**

Retention of a single-storey Visitor Pod / Garden Office Unit placed on a concrete base in the rear garden, to provide a safe visitor facility for Residents of the Care Home as well as additional office space

### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is recommended for refusal, with a dual recommendation for enforcement action.

### **EXECUTIVE SUMMARY**

This report considers an application for retrospective permission to retain a single-storey Visitor Pod / Garden Office Unit placed on a concrete base in the rear garden, to provide a safe visitor facility for Residents of the Care Home as well as additional office space.

The building was sited at the site in March 2021 to allow residents to safely meet visitors by providing a Covid safe meeting area. The application site is currently vacant but benefits from an established care home use and can re-start to operate without notice. Notwithstanding this, the applicant has submitted a planning application for the change of use of the building to a residential dwelling. This is currently pending determination.

It is concluded that the visitor pod/garden office fails to respond appropriately to the character of the streetscene and fails to preserve or enhance the character of the Penarth Conservation Area so is contrary to local and national policies.

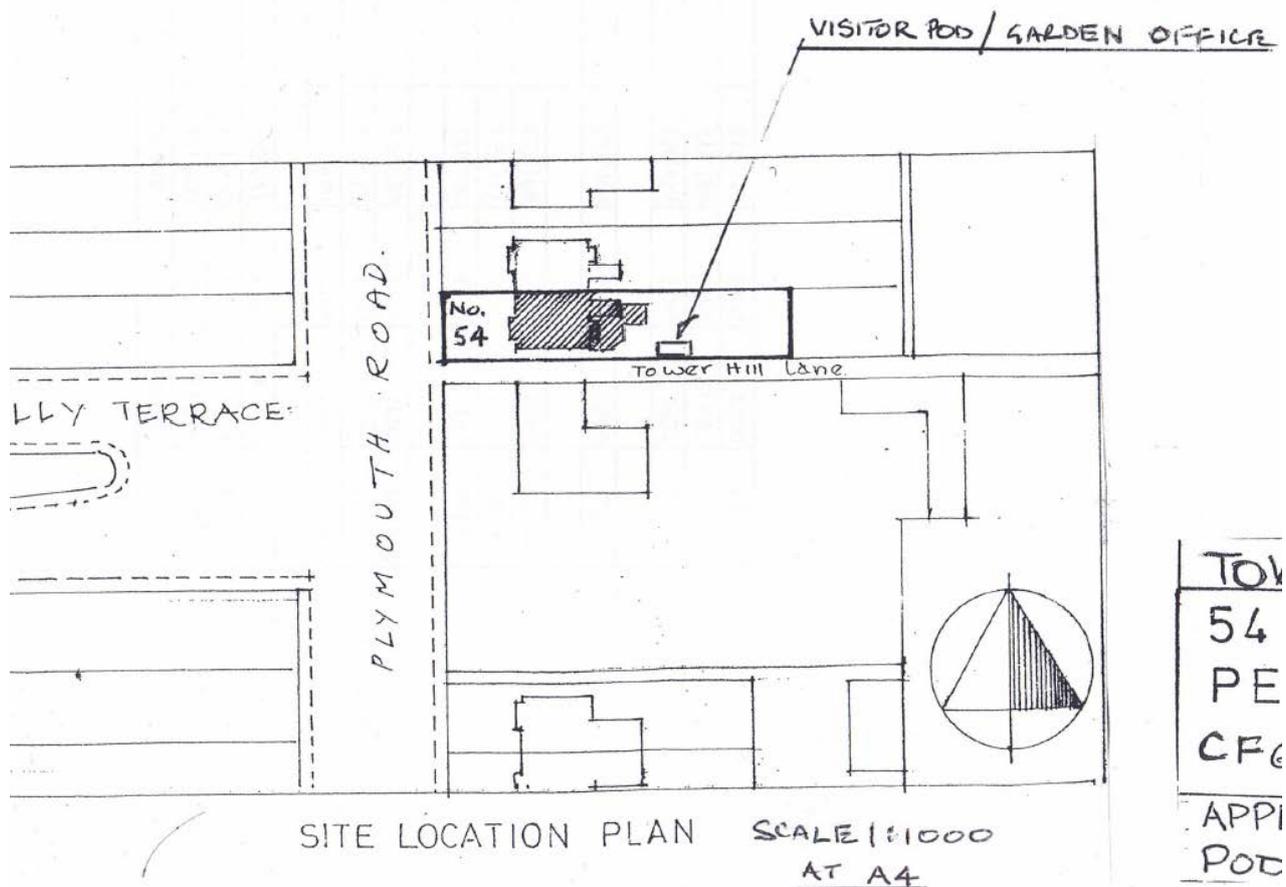
Therefore, this report makes a dual recommendation that the application is refused, and enforcement action is authorised, so that an enforcement notice can be issued, to secure the removal of the visitor pod from the site. In addition, in the event of non-compliance with the enforcement notice, authorisation is also sought to take such legal proceeding that may be required.

### **SITE AND CONTEXT**

The application site is occupied by an existing, three storey semi-detached building formerly occupied as a residential care home located on Plymouth Road, Penarth. The former care home is primarily accessed from Plymouth Road but does have a second access from Tower Hill Lane.

The property is located within the settlement boundary for Penarth and the Penarth Conservation Area (covered by the Article 4 Direction), as defined in the Local Development Plan.

An extract of the site location plan can be viewed below:



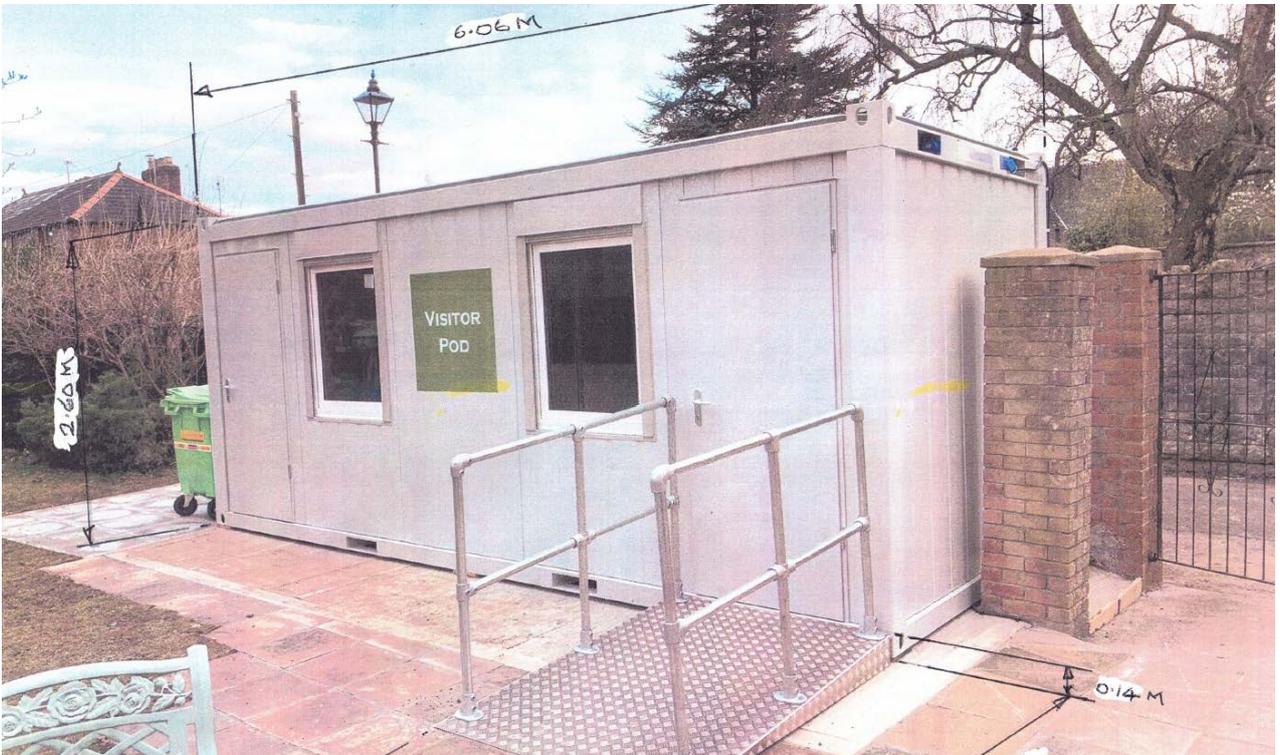
DESCRIPTION OF DEVELOPMENT

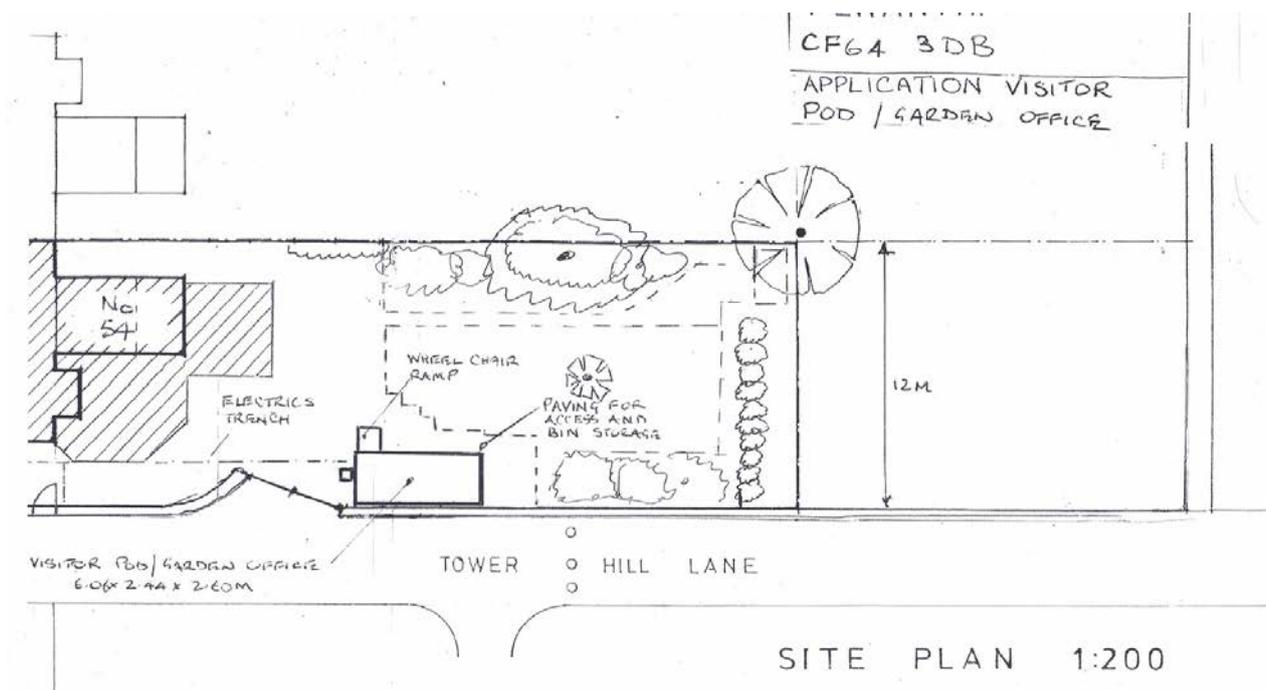
The application seeks full planning for the retention of a single-storey Visitor Pod / Garden Office Unit placed on a concrete base in the rear garden, to provide a safe visitor facility for Residents of the Care Home as well as additional office space.

The building was erected at the site in March 2021 to allow residents to safely meet visitors by providing a Covid safe meeting area. However, the application site is no longer operating as a care home and the application seeks permanent retention of the building.

The building measures 6 metres in length, 2.4 metres in depth with a maximum height of 2.6 metres in height, finished with a flat roof.

Extracts of photos and a site plan of the building in situ can be viewed below:





## PLANNING HISTORY

1984/01106/FUL, Address: 54, Plymouth Road, Penarth, Proposal: Change of use from three flats to residential home for the elderly, Decision: Approved

1988/00205/CAC, Address: 54, Plymouth Road, Penarth - Tower Hill Residential Home, Proposal: Demolition of tall side chimney stacks at 54, Plymouth Road, Penarth and their replacement with dormer windows, Decision: Approved

1988/00205/FUL, Address: 54, Plymouth Road, Penarth - Tower Hill Residential Home, Proposal: Demolish rear sheds, construct two bedroom extension and sunroom, Decision: Approved

2000/01318/TCA, Address: 54, Plymouth Road, Penarth - Tower Hill Residential Home, Proposal: Fell one elm tree, Decision: Approved

2021/01429/FUL, Address: 54 Plymouth Road, Penarth- Tower Hill Residential Home, Proposal: Change of use from a care home to a residential dwelling. Decision: Pending.

## CONSULTATIONS

Penarth Town Council were consulted on 20 July 2021. A response received on 05 Aug 2021 confirms no objection but requests that the building is clad in suitable material.

Plymouth Ward members were consulted on 20 July 2021. No response was received at the time of writing this report.

## REPRESENTATIONS

The neighbouring properties were consulted on 20 July 2021 and a site notice was also displayed on 26 July 2021. To date 3 letters of representation have been received. Two letters object to the proposal as they believe it is out of keeping with the character of the

conservation area and detracts from the character of the streetscene. The third letter queries the need for the building given that the care home no longer operates.

A response was also received from Penarth Civic Society on 03 Aug 2021 objects to the proposal and states that: This is in the Penarth Conservation area. It is a container-like industrial structure that is clearly visible to neighbours and to users of the adjacent footpath. We understand that it was installed as a temporary safe area for visitors to the Residential Home during the Coronavirus pandemic, but it is now proposed to retain this for additional use as office space which is not temporary. The Penarth Civic Society objects strongly to the retention of this structure.

## REPORT

### Planning Policies and Guidance

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

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

#### **Strategic Policies:**

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

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

POLICY MD2 - Design of New Development  
POLICY MD8 - Historic Environment  
POLICY MD9 - Promoting Biodiversity

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

#### **Future Wales: The National Plan 2040:**

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:**

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application. The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

Chapter 6- Distinctive & Natural Places

- The Historic Environment
- Recognising the Environmental Qualities of Places

The following extracts are considered to be of particular relevance:

*6.1.14 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised.*

*6.1.15 There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.*

**Technical Advice Notes:**

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

- Technical Advice Note 12 – Design (2016)

TAN 12 provides the following advice:

*2.6 “Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.”*

*4.5 “In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character. Appraisal is equally important in areas where patterns of development have failed to respond to context in the past. In these areas appraisal should point towards solution which reverse the trend.”*

*4.8 “Appraising “character” involves attention to topography; historic street patterns, archaeological features, waterways, hierarchy of development and spaces,*

*prevalent materials in buildings or floorscape, architecture and historic quality, landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements).”*

- Technical Advice Note 24 – The Historic Environment (2017)

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

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

### **Supplementary Planning Guidance:**

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

- Biodiversity and Development (2018)
- Penarth Conservation Area

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

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

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

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

### Issues

The primary issues to consider are the principle of development, visual impact on the streetscene and impact of the Penarth Conservation Area. The impact on the amenity of neighbouring residential properties and biodiversity impacts are also material consideration.

## Principle of development

The site is located within the settlement boundary of Penarth, and policy MD5 of the LDP states that new development will be acceptable within settlement boundaries subject to a series of criteria (relating to design, impact on amenity, highways issues etc).

In particular, criterion 3 requires that the proposed development: *Is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality.*

The application seeks the retention of a building for ancillary use to the established residential care home use of the site. Despite the description of the application, the care home is currently not operating and therefore the 'weight' to be given to the 'need' for the building and any special circumstances for provision of outside visitor space serving the care home (which may be balanced against the visual impact on the character of the area) appears to be very limited at this time. Nevertheless, this is the lawful use of the building and how the application has been described. However, a separate application (ref. 2021/01429/FUL) is currently being considered to a change of use from a care home to a residential dwelling.

The principle of having a building of some description in the garden area is acceptable. However, detailed consideration must be given to the particular building, its scale, design and form, having regard to the site's location within the Penarth Conservation Area.

## Visual Impact/Conservation Area Impacts

Policy MD2 'Design of New Development' is a criteria led design policy that, amongst other things, requires proposals to be of a high standard of design that positively contribute to the context and character of the surrounding built environment and protect existing features of townscape. Criterion 2 also requires that development proposals respond appropriately to the local context and character of neighbouring buildings in terms of use, type, form and scale.

Policy MD5 'Development within Settlement Boundaries' is a further criteria based policy relates to new development within settlements such as Penarth, echoing the sentiments of Policy MD2, including criterion 3 that the proposal is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality. These sentiments are supported by Planning Policy Wales (Edition 11).

This is also supported by paragraph 5.5 of TAN12 which states: *'The way in which development relates to its urban or rural landscape or seascape context is critical to its success. Because of this, an understanding of landscape quality, including its historic character is fundamental to the design process.'*

In terms of the character of the Conservation Area, Policy MD8 is particularly relevant and states that *'...Development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan, Specifically...within Conservation Areas, development proposals must preserve or enhance the character or appearance of the area...'*

This is reinforced by national guidance in the form of Planning Policy Wales (PPW) sets out the Welsh Government's planning guidance on the conservation and enhancement of the historic environment. Chapter 6 is of particular relevance;

Paragraph 6.1.14 states: *"There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance is to be preserved or enhanced and their heritage value is to be fully realised."*

The proposal relates to the retention of a freestanding steel container building within the rear garden of the site. This was originally introduced at the site to meet the needs of the residents of the former care home during the coronavirus pandemic.

Extracts of the site visit photos can be viewed below:



The building is located along the boundary with Tower Hill Lane. The lane is characterised by Victorian buildings and stone boundary walls. A number of buildings further along the lane are Listed or Locally Listed. Other buildings within the lane are former outbuildings sympathetically converted. Therefore, the lane retains quality historical character.

The application building is highly visible from Tower Hill Lane and somewhat visible from Stanwell Road at the entrance to Tower Hill Lane. The lane is a relatively busy thoroughfare serving dwellings. There are currently no similar structures within the streetscene. The building projects above the boundary wall and is clearly visible from the lane. Its scale, design, form, materials and character is stark, visually intrusive and incongruous to the streetscene.

On this basis, and due to its visual prominence, it is considered that the building fails to respond appropriately to the character and context of the immediate site and its conservation area setting. In addition, it is considered that the proposal fails to preserve or enhance the character of the Penarth Conservation Area.

The proposal therefore does not meet the aims of policies MD2 (criteria 1 and 2), MD5 (criterion 3) and MD8 (criterion 1) of the LDP, and is contrary to the advice within paragraphs 6.1.14 & 6.1.15 of PPW, paragraphs 2.6, 4.5 & 5.8 of TAN12, and the duty imposed under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, given that the retention of this building would not preserve or enhance the character of the conservation area.

### Impact on Neighbours

In terms of impact on the neighbouring properties criterion 8 of policy MD2 requires that new development should; *Safeguard existing public and residential amenity, particularly with regard to privacy and overlooking.*

The application building is of a single storey scale and located a sufficient distance from neighbouring properties to not be considered overbearing or unneighbourly. The use as an ancillary office/future visitor space does not generate any concerns in relation to noise from coming and goings subject to it being used in association of a care home.

### Biodiversity

Policy MD9 requires new development proposals to conserve and where appropriate enhance biodiversity interests. The Council's Biodiversity and Development SPG (2018) requires new development to provide ecological enhancements to promote biodiversity within the Vale of Glamorgan. The application has not been supported with an ecological enhancement strategy. However, should the application be acceptable in all other regards, the proposal could be acceptable in respect of ecology and comply with the requirements of LDP Policies MD2 and MD9 by way of a condition requiring the submission and implementation of biodiversity enhancements. Given the above conclusions regarding design and impact on the Conservation Area this has not been recommended.

### Conclusion

The location and use of some form of building in this location could be acceptable and the neighbour impacts are deemed to be acceptable. Nevertheless by virtue of its scale, form,

design and materials the building has an unacceptable and harmful impact on the street scene and character of the Conservation Area and fails to comply with LDP policies MD2 (criteria 1 and 2), MD5 (criterion 3) and MD8 (criterion 1), the advice within PPW and TAN12, and the duty imposed under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

### DUAL RECOMMENDATION

It is recommended that:

- (1) The application for the retention of the visitor pod/office be refused.
- (2) 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) The removal of the visitor pod/office from the site.
- (3) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

### Implications of serving an Enforcement Notice

- Resources - 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 - 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). 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 – None.

### REASON FOR DUAL RECOMMENDATION

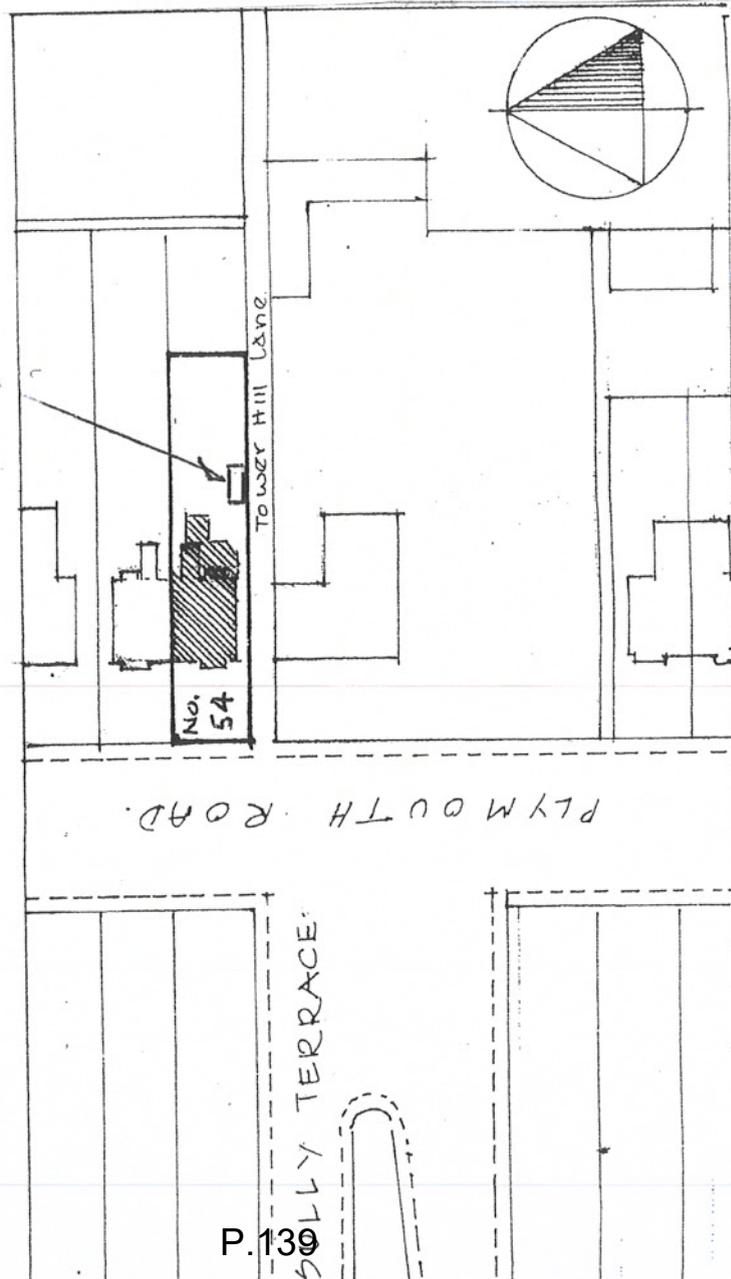
1. By virtue of its siting, design, scale, form and materials the building represents a highly discordant and prominent feature within the streetscene that fails to preserve or enhance the character and appearance of the Penarth Conservation Area. The development is therefore contrary to the aims of Policies MD2 (Design of New Development), MD5 (Development within Settlement Boundaries) and MD8 (Historic Environment) of the Vale of Glamorgan Local Development Plan 2011-2026, the advice within the Council's Supplementary Planning Guidance Penarth Conservation Area Appraisal and Management Plan, Planning Policy Wales Edition 11 (2021) Technical Advice Notes 12- Design and 24 - Historic Environment and the provisions of Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

The decision to refuse 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 and Future Wales – the National Plan 2040.

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

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

VISITOR POD / GARDEN OFFICE



SITE LOCATION PLAN SCALE 1:1000 AT A4

TOWER HILL RESIDENTIAL HOME  
 54 PLYMOUTH RD  
 PENARTH.  
 CF64 3DB

APPLICATION VISITOR  
 POD / GARDEN OFFICE

A4

**2021/01089/FUL** Received on 28 July 2021

**APPLICANT:** Jones 11, Clinton Road, Penarth, CF64 3JB

**AGENT:** Mr Rhys Hughes 70 Heol Hir, Cardiff, CF14 5AB

### **11, Clinton Road, Penarth**

Demolish existing rear garage and substantial glass car port and replace with rear and side extension

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

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr McCaffer citing that the proposal is much larger than what is existing and is not a replacement, with concerns over the proximity to the boundary and height of the roof line.

#### **EXECUTIVE SUMMARY**

The application site relates to a two storey detached property located on the corner of Clinton Road and Cwrt Yr Vil Road within the Penarth Settlement Boundary.

The proposal relates to the demolition of the existing rear garage and car port and replacement with a rear and side extension. The proposed flat roof extension measures 8.2m in width, 3.9m in depth and to a height of 3m (3.6m to the top of the roof lanterns). The proposed side extension with gable feature measures 6.6m in depth, 8m in width and to a height of 2.6m to the eaves and 4.3m to the ridge. The extension will be finished in render.

Four letters of representation have been received to date from neighbouring occupiers, principally over the size of the proposal, proximity to the boundary, overlooking, loss of light and noise.

The siting, design and scale of the extension are considered acceptable in respect of their impacts on the existing dwelling and the wider street scene. Furthermore, the proposals are not considered to unacceptably harm the residential amenity or privacy of the neighbouring properties. The application is recommended for approval.

#### **SITE AND CONTEXT**

The application site relates to 11, Clinton Road, a two storey detached property, within the Penarth settlement boundary. The property is sited on a corner plot with existing vehicle access off Cwrt Yr Vil Road.



The Clinton Road street-scene is characterised by large, detached properties with Cwrt Yr Vil Road characterised with large semi-detached properties. A number of the dwellings within the two streets have undertaken renovation work within recent years with work currently being undertaken at the application site.

### DESCRIPTION OF DEVELOPMENT

The application seeks consent to demolish the existing garage and car port to the rear and side of the property and construct a new side and rear extension. The proposed flat roof extension measures 8.2m in width, 3.9m in depth and to a height of 3m (3.6m to the top of the roof lanterns). The proposed side extension with gable feature measures 6.6m in depth, 8m in width and to a height of 2.6m to the eaves and 4.3m to the ridge. The extension will be finished in render. Plans of the existing and proposed are shown below.

### Existing



FRONT ELEVATION - EXISTING



SIDE ELEVATION - EXISTING





## PLANNING HISTORY

None relevant for this application.

## CONSULTATIONS

Penarth Town Council were consulted and a response was received which stated “No objection, however there maybe scope to reduce the length of the side extension”.

Plymouth Ward members were consulted and a response was received from Cllr. McCaffer stating that the proposal is much larger than what is existing and is not a replacement, with concerns over the proximity to the boundary and height of the roof line.

## REPRESENTATIONS

The neighbouring properties were consulted on 11 August 2021 and a site notice was also displayed on the 27<sup>th</sup> August 2021. Representation has been received from four neighbouring properties including two properties adjoining the application site. A summary of the comments made by neighbouring properties is provided below;

- Extension immediately adjacent to boundary wall/ fence with no access to render or paint. Existing garage is 600mm off boundary and should be retained.
- Concerns of noise from proposed extension.
- Loss of light to garden.
- Overdevelopment
- The wording of the application is misleading because what is being proposed is not a replacement: it is a new building, a large extension which will wrap around a third of the existing house.
- Kitchen window would be overlooking a solid block.
- The loss of light in to living area.
- This is not a conservation area but does benefit from the houses conforming to the period during which they were built. Nowhere in the quadrangle of the houses in Clinton Road, Lower Cwrt-y-Vil Road, Westbourne Road and Archer Road, has anybody extended their house to the boundary wall. The gardens are an integral part of the design of the houses.
- Extensions should be designed to conform to the scale and character of the existing building. From the front, the view of the house is dramatically altered.
- The proposed development is over-large and unsympathetic to house and neighbourhood.
- Building up to the boundary is unneighbourly and will create a terrace in an area characterised by detached and semi-detached housing
- The roof lights & windows will cause light and noise pollution in the quiet neighbouring garden areas.
- Roof windows are located directly under the busy kitchen area and could funnel noise directly onto neighbouring patios/into neighbouring houses.
- If roof windows are permitted they should be non-opening.
- Concerned about the height of the development in relation to neighbouring properties (esp. no. 10).
- potential unsociable hours & noise from building work
- proposal would infill the driveway with solid structure that would permanently change the character of the existing property

- incremental change to the character of the area
- The proposal would result in loss of parking space

## REPORT

### Planning Policies and Guidance

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

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

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

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

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

#### **Future Wales: The National Plan 2040:**

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. The following chapters and policies are of relevance in the assessment of this planning application:

##### Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

##### Chapter 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

##### Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

#### Policy 1 – Where Wales will grow

- Supports sustainable growth in all parts of Wales.
- Development in towns and villages in rural areas should be of an appropriate scale and support local aspirations and need.

#### Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

#### Policy 3 – Supporting Urban Growth and Regeneration – Public Sector Leadership

- The public sector must show leadership and apply placemaking principles to support growth and regeneration for the benefit of communities across Wales.

### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application. The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales. The following chapters and sections are of particular relevance in the assessment of this planning application:

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

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

#### Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

#### Chapter 6 - Distinctive and Natural Places

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

### **Technical Advice Notes:**

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

- Technical Advice Note 12 – Design (2016)

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

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

## **Supplementary Planning Guidance:**

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

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

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

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

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

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

## **Issues**

The principle issues to consider when assessing this application relate to the scale and design of the extension and its impact upon the character of the property and wider street-scene, the impact upon neighbouring properties, amenity space and parking.

The development proposes a single storey extension to the rear and side of the existing dwelling, to provide for a gym and an open plan kitchen, diner and living area. Such proposals are considered to be acceptable in principle, subject to site specific and design considerations in terms of the impacts of the development that are considered further below.

It is noted that concerns have been raised with regard to the description of the development using the term replacement. While it is appreciated that the proposal is of a large scale than the existing structures, the proposals would replace what is currently there.

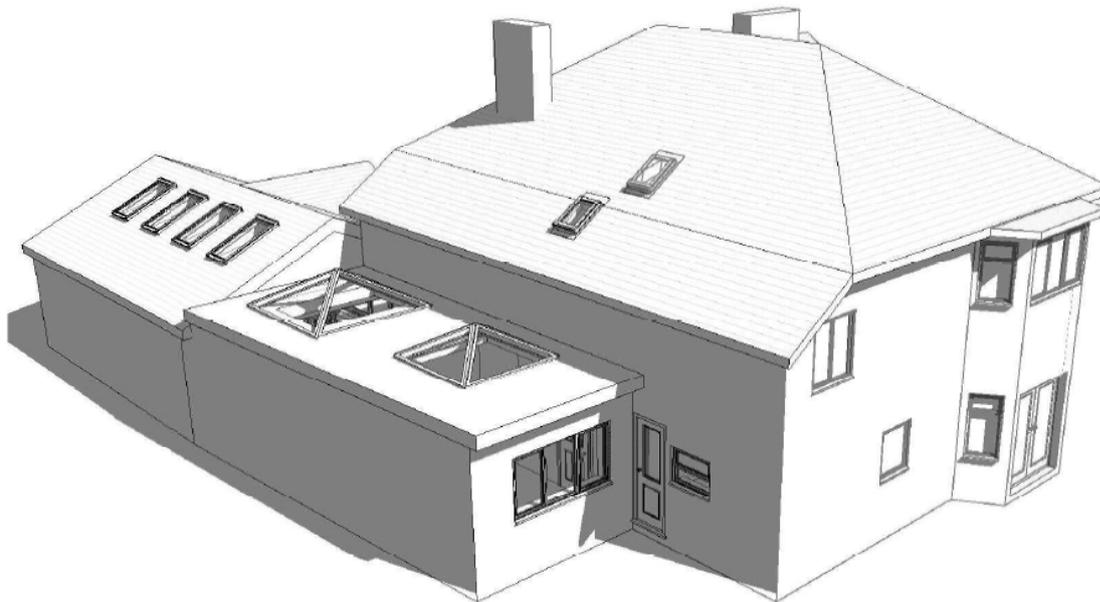
## **Design and visual impact**

LDP Policy MD2 Design of New Developments states that in order to create high quality, healthy, sustainable and locally distinct places development proposals should (inter alia): (1) Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest; and (2) Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.

Policy MD5 Development within Settlement Boundaries states that new development within settlements will be permitted where the proposed development: (1) Makes efficient use of land or buildings; (2) Would not prejudice the delivery of an allocated development site; and (3) is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality.

The street-scene of Clinton Road is characterised by two-storey detached and semi-detached dwellings. While the ages of the properties are similar, the appearance of the properties do vary slightly with various roof forms and frontages. The proposed flat roof extension would be located to the rear of the property and would not be visible from Clinton Road, however it would be visible from Lower Cwrt Yr Vil Road. The flat roof extension would be set behind the side elevation of the application site and would be set back from the road. The flat roof extension is not considered to harm the character and appearance of the wider street-scene.

With regard to the side extension, it would be located to the east of the property and would be set back from the road by approximately 18m. While the extension would be visible from the front of the property, it would be significantly set back from the front elevation and the street and is not considered to harm the character and appearance of the property or wider street-scene.



#### EXTERNAL VIEW TOWARDS REAR

The proposed extensions would be single storey in form and would be located to the rear and side of the property, next to the northern boundary of the site. The flat roof extension in place of the car port would measure 3m in height and 3.6m to the top of the roof lanterns. The proposed side pitched roof extension would measure 2.6m in height to the eaves and 4.3m in height to the ridge. It is noted that the properties along Clinton Road and Lower Cwrt Yr Vil Road are of a relatively large scale with most properties also

benefiting from a large garden/ amenity space area. Given the scale of the application property the proposed extensions are not considered to be out of scale, and while they would be a modern design with the flat roof and glazing details, this would not detract from the appearance of the existing dwelling.

The single storey side extension would be of a relatively large depth, extending approximately 8m from the side elevation of the property, however as noted above the application site is relatively large. In addition, the extension would be located to the north-east of the site which is considered to be sympathetic to the context and character of the street-scene.



#### EXTERNAL VIEW TOWARDS FRONT

Concerns have been raised by neighbouring properties with regard to proposal resulting in a terracing effect within the street-scene. However, the extensions would be single storey and would be set back from the front elevation of the property, meaning that the dwelling's character would not be significantly altered to the extent that it appeared as a terraced property.

Concerns were also raised by neighbouring properties due to the extension being built up to the boundary. However it is noted that numerous properties along Clinton Road and Lower Cwrt Y Vil Road have buildings located on the boundary with neighbouring properties, including no. 3, 7 and 9 Clinton Road and no.6, 8 and 10 Lower Cwrt Yr Vil Road. While it is appreciated that these are mainly garages, it is noted that they can be converted into living accommodation under Permitted Development. In any case, it is considered that the principle of structures on the boundary is long established within the locality and the principle of the proposals location is considered acceptable.

Other than specifying a smooth render finish, no further details have been provided and a condition is necessary for the extension to be finished in materials to match the existing property, being render and slate, as parts of the extensions would be visible from the road.

## Impact on neighbouring properties

With regard to the neighbouring property at 11a Clinton Road, the proposed single storey side extension would be set off the boundary by approximately 300mm and would be located next to their existing pergola structure. The side elevation of the extension would be visible from the north-western elevation of their garden, and would increase the massing next to the boundary, compared with the existing structure. The proposed extension would be located to the west of 11a Clinton Road and therefore would also have some impact on light to the western section of the garden during the late afternoon/evening, however this is partially existing due to the location of the host property.

While the extension would have an impact upon the neighbour to a degree, the extension would have a shallow pitch roof and would be single storey. It is therefore not considered that the proposed extension would be of a scale and massing that would harm the residential amenity of the neighbour to a degree that would warrant a refusal of the application.

With regard to the neighbouring property at 10 Lower Cwrt Yr Vil Road, the proposed extensions would be located next to their southern boundary where the existing car port and garage structure is located. While the flat roof extension would be located behind the garage of 10 Lower Cwrt Yr Vil Road and visible from the two windows located on the southern elevation, it is considered to be of a modest height and would replace the existing car port structure. The flat roof design of the extension would be a more prominent structure next to the boundary and while it would be visible from the small section of garden to the south and the two windows it is not considered to result in an overbearing or unacceptable impact on the neighbour.

The proposed pitched roof side extension would be set off the boundary by 300- 700mm, due to the angle of the boundary and would replace the existing garage structure. The proposed eaves height of the extension would be 100mm higher than the existing structure and while the ridge height would be increased by 900mm, the roof would be sloping away from the boundary with the ridge located further away from the boundary than the existing.

Although the pitched roof extension would extend approximately 3m further in width than the existing, it is considered to be of a modest height that would not unreasonably enclose the neighbour's outlook or rear amenity area.

Concerns were raised in regard to the extension of living accommodation next to the boundary and the increase noise levels it would generate. While the extension does propose a kitchen and living area, it is not considered that the noise generated would be of a level that would detriment the adjoining neighbours.

The installation of roof lights has raised concerns with regard to overlooking and light pollution. As the roof lights and lanterns are located within the roof, they would be above eye level and are not considered to harm the privacy of the neighbours and a condition for the windows to be fixed is not considered reasonable.

While the roof lights would be illuminated with light during the evenings, they are not considered to generate an amount of light that would be uncharacteristic of a residential property.

Overall, while the extensions would be visible from the two adjoining neighbours, they are not considered to unacceptably harm the residential amenity or privacy of the neighbouring properties and are considered acceptable. Due to the proximity of the proposals next to the boundary, an informative relating to the Party Wall Act will be attached.

## **Parking**

The removal of the car port would result in the loss of one parking space on site, however approximately 11m of driveway would remain that could facilitate two cars. On-road parking is also available within the street and as the Parking standards SPG stipulates maximum standards, the provision of two off-road parking spaces is considered acceptable.

## **Amenity space**

The proposed side extension would result in the loss of a section of amenity space for the property however, approximately 130sqm of side garden would remain with further amenity space also available to the front and the other side of the dwelling, all be it next to the road. The remaining amenity space for the property is considered in accordance with the Councils SPG on Residential and Householder Development.

## RECOMMENDATION

### APPROVE 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:

Sheet 5 - Proposed Elevations - Received 22/07/2021  
Sheet 6 - Proposed Ground Floor Plan - Received 22/07/2021  
Sheet 6A - Proposed First Floor Plan - Received 22/07/2021  
Sheet 7 - Proposed Long Section - Received 22/07/2021  
Sheet 8 - Proposed 3D cut through - Received 22/07/2021  
Sheet 15 - Proposed 3D views - Received 22/07/2021  
Site Location Plan - Received 22/07/2021

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 materials to be used in the construction of the external surfaces of the extensions shall match those used in the existing property that exist at the time of this approval.

Reason:

To safeguard local visual amenities, as required by Policy MD2 (Design of New Development) of the Local Development Plan.

### REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to Policies SP1 – Delivering the Strategy, MD1 - Location of New Development, MD2 - Design of New Development and MD5 – Development within Settlement Boundaries, of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice contained within the Council’s Supplementary Planning Guidance on Residential and Householder Development, Planning Policy Wales 11<sup>th</sup> Edition and Technical Advice Note 12 – Design (2016), the proposal is considered acceptable in terms of its scale, design, impact on neighbours, parking 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.

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

### NOTE:

1. **The applicant/owner shall be aware of the duties imposed under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining occupier(s) where the building owner intends to carry out work which involves: 1. Work involving an existing shared wall with another property; 2. Building on the boundary with a neighbouring property; 3. Excavating near a neighbouring building, and that work falls within the scope of the Act. Procedures under this Act are separate from the need for planning permission and building regulations approval. ‘The Party Wall etc. Act 1996: explanatory booklet’ is available at [www.communities.gov.uk](http://www.communities.gov.uk). (I71).**

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

**variations from the approved plans immediately so that you can be advised how to best resolve the matter.**

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

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

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

11, Clinton Road, Penarth, Vale Of Glamorgan, CF64 3JB



Site Plan shows area bounded by: 318156.69, 170871.2 318298.11, 171012.62 (at a scale of 1:1250), OSGridRef: ST18227094. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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