

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **24 NOVEMBER, 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:

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| 2021/0036/PO | AC | 70, Maes y Coed Road, Cardiff, CF14 4HG | Single storey rear elevation extension |
| 2021/0037/PO | AC | 90, Bedwlwyn Road, Ystrad Mynach, CF82 7AE | Single storey rear elevation extension. Loft conversion with rear dormer. Internal reconfiguration |
| 2021/0038/PO | AC | 153, Heol Trelai, Cardiff, CF5 5LE | Attached two storey, pitch roof dwelling |
| 2021/0197/BR | AC | 52, Pill Street, Cogan, Penarth, CF64 2JR | Refurbishment of basement and ground floor commercial shop, with conversion of first and second floor into two flats. |
| 2021/0504/BN | A | 38, Plymouth Road, Penarth. CF64 3DH | Installation of through floor lift in private dwelling |
| 2021/0652/BR | AC | Land at Barry Waterfront (Waterfront School), Ffordd Y Mileniwm, Barry. CF62 5AY | 2 storey two-form entry primary school with a 96 place (46 FTE) nursery, includes all ancillary facilities including hard and soft play areas, sports pitches and car parking |
| 2021/0690/BN | A | Shorkot Farm, Leckwith. CF11 8AS | New stable block (prefabricated) steel building to include office and toilet |
| 2021/0708/BR | AC | Brynhyfryd, Bonvilston, CF5 6TS | Internal structural alterations |

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| 2021/0728/BR | AC | 41, Dinas Road, Penarth. CF64 3PJ | Two storey rear, single storey side and front extension, FF ensuite |
| 2021/0752/BN | A | 11, Royal Close, Penarth, CF64 1NJ | Enlarge two existing windows to picture windows. Enlarge French doors to sliding doors :4400mm approx. and garage conversion |
| 2021/0756/BR | AC | 75, Cog Road, Sully, CF64 5TE | Two storey rear extension |
| 2021/0757/BN | A | 31, Canon Street, Barry, CF62 7RH | Loft conversion to include dormer to the rear of the property |
| 2021/0758/BR | AC | 6, Devon Avenue, Barry, CF63 1BJ | Single storey wrap around side and rear extension |
| 2021/0761/BR | AC | Vishwell Farm, St Andrews Road, Wenvoe, CF5 6AF | Demolition of existing single storey toilet block, construction of new single storey toilet block |
| 2021/0762/BN | A W | 6, Wordsworth Avenue, Penarth, CF64 2RL | Single storey infill extension to garage conversion |
| 2021/0763/BN | A | Longmeadow Court, Druids Green, Cowbridge, CF71 7BP | External refurbishment, includes new roof and RWG, new window and doors, EWI, New entrance extension and path ways |
| 2021/0764/BN | A | Wayside Cottage, Llwyn Nwydog Farm, Cowbridge Road, Talygarn, CF72 9JU | House renovation, new porch and new build garage |
| 2021/0765/BN | A | 30, Kenson Close, Rhoose. CF62 3FS | Single storey extension at side of existing domestic dwelling |
| 2021/0774/BN | A | 56, Chandlers Way, Penarth, CF64 1SP | Powder coated metal balcony to the front elevation of the property, with associated glass and stainless balustrade |
| 2021/0775/BR | AC | 33, Grange Gardens, Llantwit Major, CF61 2XB | Proposed single storey front and rear extension and other internal alterations to property |

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| 2021/0776/BN | A | The Old Barn, Llangan. CF35 5DW | Single storey rear extension |
| 2021/0777/BR | AC | 34, Lon Yr Eglwys, St. Brides Major. CF32 0SH | Two storey rear and side extension with porch to front and replacement garage to side |
| 2021/0778/BR | AC | 17, Byrd Crescent, Penarth. CF64 3QU | Two storey and single storey extension to rear and bathroom to first floor |
| 2021/0779/BR | AC | 44, Dock View Road, Barry. CF63 4LQ | Proposed property conversion to form 3 no. self contained flats with all associated external works |
| 2021/0780/BN | A | Eastleigh, St. Georges Super Ely. CF5 6EW | Installation of a multi-fuel stove into existing chimney |
| 2021/0781/BN | A | 148, Colcot Road, Barry. CF62 8UH | Re roof |
| 2021/0782/BN | A | 30, Smithies Avenue, Sully. CF64 5SS | First floor extension built on top of an existing single storey extension, internal work to enlarge kitchen area by knocking through and existing separate room on ground floor |
| 2021/0783/BN | A | 2, Cardiff Road, Dinas Powys, CF64 4DH | Porch extension, garage conversion and new flat roof |
| 2021/0784/BN | A | Bartley House, 11A, Cosmeston Drive, Penarth, CF64 5FA | Convert single garage to an office working space |
| 2021/0785/BN | A | 77, Woodham Park, Barry, CF62 8FJ | Conversion of an existing integral garage into a habitable space |
| 2021/0786/BN | A | 15, Robinswood Close, Penarth, CF64 3JG | House refurbishment with addition of bedroom and bathroom into the loft, replace existing roof with new |
| 2021/0787/BR | AC | 34A, Tynewydd Road, Barry, CF62 8HB | Single storey office under 40sqm |

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| 2021/0788/BR | AC | Land at Gileston Road, St Athan | Affordable residential development and associated works for 18 dwellings |
| 2021/0789/BN | A | Bondehurst, Greenfield Way, Llanblethian, Cowbridge, CF71 7JW | Single storey extension to rear of property |
| 2021/0790/BN | A | Brynhyfyrd, 26, Wick Road, Ewenny, CF35 5BL | Single storey extension |
| 2021/0792/BN | A | 87, Cosmeston Drive, Penarth. Cf64 5PA | Garage conversion |
| 2021/0793/BN | A | 17, Castle Drive, Dinas Powys. CF64 4NP | Single storey side and rear extension including alterations to existing layout including a new en suite |
| 2021/0794/BN | A | 59, Harding Close, Llantwit Major. CF61 1GX | Single storey extension to enlarge kitchen |
| 2021/0796/BN | A | 42, Elizabeth Avenue, Barry. CF62 9XD | Disabled adaptations of the kitchen. Remove the existing wall between the kitchen / hallway. |
| 2021/0797/BN | A | 31 - 54, Butt Lee Court, Barry. CF62 8HA | Recover roof |
| 2021/0798/BR | AC | 74, Queens Road, Penarth. CF64 1DJ | 3 storey rear extension |
| 2021/0799/BN | A | 176, Jenner Road, Barry. CF62 7HR | Ground floor single storey extension |
| 2021/0800/BN | A | 35, Glebeland Place, St Athan, CF62 4PR | Single storey extension to side |
| 2021/0801/BN | A | Tudor Cottage, Llanbethery, CF62 3AN | Alterations to front elevation, rear dormers and construct a two storey garage with storage above and games room |
| 2021/0802/BR | AC | 8, Albert Street, Barry. CF63 2QZ | Single storey rear extension incorporating shower room |

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| 2021/0804/BN | A | Crosswinds, 23, Caynham Avenue, Penarth, CF64 5RR | Re-roof |
| 2021/0805/BR | AC | 2, Millbrook Road, Dinas Powys, CF64 4DA | Single storey side and rear elevation |
| 2021/0806/BR | A | 6, Millbrook Road, Dinas Powys, CF64 4DA | Garage conversion to include disable bathroom facilities |
| 2021/0807/BR | AC | Rhoose Library, Fontygary Road, Rhoose, CF62 3DS | Extension to existing community library |
| 2021/0808/BN | A | Woodentops, Windmill Lane, Llantwit Major. CF61 2SU | Change, update of septic tank to sewage treatment plant with drainage field |
| 2021/0809/BN | A | The Old Farmhouse, Trerhyngyll, Cowbridge, CF71 7TN | Proposed conversion of existing workshop/store to form granny annexe |
| 2021/0810/BN | A W | 12, Mountjoy Avenue, Penarth, CF64 2SX | Removal of conservatory and construction of single storey lean-to extension with lounge and shower room |
| 2021/0811/BR | AC | 14, Ashgrove, Dinas Powys. CF64 4TL | Single storey side extension |
| 2021/0812/BN | A | 19, Caer Odyn, Dinas Powys. CF64 4UF | Convert existing detached single storey garage into an office space |
| 2021/0813/BN | A | 78, Heol Ty Draw, Barry, CF62 5DU | Garage conversion |
| 2021/0814/BN | A W | 12, Newgale Close, Barry, CF62 9EE | Two storey extension to side (23m ²) and single storey extension to rear (11.22m ²) |
| 2021/0816/BN | A | 27, Voss Park Drive, Llantwit Major, CF61 1YD | Single story rear extension |
| 2021/0817/BR | AC | 50, Smithies Avenue, Sully, CF64 5SS | Demolish the existing UPVC conservatory and replace with new Orangery |
| 2021/0818/BR | AC | 19, Nyth Y Dryw, Rhoose, CF62 3LW | Single storey rear extension and internal adaptations |

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| 2021/0819/BN | A | 20, Parklands, Corntown, CF35 5BE | First Floor Extension |
| 2021/0820/BN | A | 100, Fontygary Road, Rhoose, CF62 3DU | Re-roof |
| 2021/0821/BN | A W | 23, Ffordd Cwm Cidi, Barry, CF62 6LH | Single storey rear extension under 10sqm, garage conversion and porch extension |
| 2021/0822/BN | A | 54, Salop Street, Penarth, CF64 1HH | Two rooms into one |
| 2021/0823/BN | A W | 22, Coed Bach, Barry, CF62 8AE | Single Storey infill extension |
| 2021/0824/BN | A | Parkside, Bonvilston, CF5 6TQ | Change of Use of existing redundant stables to self contained holiday let and the construction of a two storey wing |
| 2021/0825/BN | A | 5, Joseph Parry Close, Llandough, CF64 2PL | Replacing existing lintel to ground floor fireplace and widening opening by 100mm (from 600mm existing to 700mm) |
| 2021/0826/BR | AC | The Walled Garden, Wenvoe, CF5 6BE | Installation of domestic sewage treatment tank and land drainage |
| 2021/0827/BN | A | 21, Wood Street, Penarth, CF64 2NH | Knock through between kitchen and utility room, Removal of existing kitchen and fitting of new kitchen. Addition of two Velux rooflight windows in single storey sloping roof. Replacement of existing ground floor windows with new windows and one set of French doors. |
| 2021/0829/BN | A | Greystones, 8, Llantwit Major Road, Cowbridge, CF71 7JP | Removing 1 wall between kitchen and diner to create 1 room. Enlarging kitchen window. Converting dining room window to French doors. Creating new double door opening to hallway. Blocking up 2 doorways. |

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| 2021/0831/BN | A | 13, Murch Road, Dinas Powys. CF64 4NJ | Garage conversion |
| 2021/0832/BN | A | Food Pod, Location on green area side of carpark, St. Lukes Avenue, Penarth. CF64 3PT | Placing a modular facility pod for community benefits (Food Pod) |
| 2021/0833/BR | AC | 3, Cosmeston Cottages, Lavernock Road, Penarth. CF64 5UQ | Ground and first floor rear and side extension |
| 2021/0835/BN | A | 30, Lewis Road, Llandough, Penarth, CF64 2LW | Knock through |
| 2021/0836/BN | A | 4, Porthkerry Road, Barry. CF62 3HD | Loft conversion and dormer, knock through ground floor |
| 2021/0838/BN | A | 52, Broadway, Llanblethian, CF71 7EW | Updating kitchen with removal of internal walls to make open plan area, with placement of two sets of French doors (one replacing existing patio door, the other widening an existing door/window to match size of existing adjacent (patio doors), widening an existing window, renewing an existing window and updating of lighting and existing bathroom. |
| 2021/0840/BN | A | 45, Marine Drive, Barry, CF62 6QP | Re-roof |
| 2021/0845/BR | AC | 35, Station Road, Penarth. CF64 3EP | Extension and alterations to an existing dwelling |
| 2021/0846/BR | AC | 83, Castle Drive, Dinas Powys. CF64 4NQ | Single storey wrap around extension, extend kitchen, extra bedroom and porch |
| 2021/0847/BN | A | 142, Winston Road, Barry. CF62 9TA | Knock through between kitchen and dining room to create an open space |
| 2021/0849/BN | A | 47, Caer Worgan, Llantwit Major. CF61 2SP | Garage conversion and extension |

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| 2021/0851/BR | AC | 102, Cedar Way, Penarth. CF64 3PW | 2 storey rear extension |
| 2021/0852/BN | A W | 131, Cardiff Road, Dinas Powys. CF64 4JU | Single storey extension to the rear to extend kitchen |
| 2021/0853/BN | A | 15, Augusta Crescent, Penarth. CF64 5RL | Single storey extension to side and rear |
| 2021/0854/BR | AC | Barry Waste Treatment Centre, Atlantic Trading Estate, Barry. CF63 3RF | New waste transfer station for Vale of Glamorgan Council |
| 2021/0855/BR | AC | Mereworth House, Heol Y Cawl Lane, Corntown. CF35 5BB | Single storey extension to form family / games room |
| 2021/0856/BN | A | 64, Cae Newydd, St Nicholas, CF5 6FJ | Single storey conservatory / sun room |
| 2021/0857/BN | A | 94, Phyllis Street, Barry, CF62 5UT | Loft conversion with dormer |
| 2021/0859/BN | A | Woodlands House, Bonvilston. CF5 6TR | Conversion of existing garage / car port, into a one bedroom detached annex |
| 2021/0864/BN | A | 12, Woodland Place, Penarth, CF64 2EX | Knock down one wall in middle of room and one wall to the rear of the room |
| 2021/0865/BN | A W | 6, Ashby Road, Sully, CF64 5SH | Single storey extension to create gym and boot room. Double garage. |
| 2021/0869/BN | A | 3, Albert Crescent, Penarth, CF64 1DA | Re-roof |
| 2021/0870/BN | A | 2, Griffin Close, Barry, CF62 8BH | Less than 20 windows |

(b) Building Regulation Applications - Reject

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

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| 2021/0766/BN | R | 11, Cross Street, Barry, CF63 4LU | Single storey extension |
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| 2021/0795/BN | R | 23, Forrest Road, Penarth. CF64 5DP | Remove existing conservatory, replace with new roof and bifolding doors |
| 2021/0828/BN | R | The Extension, Lower Beaupre, St Hilary, Cowbridge, CF71 7DP (works on hold) | Convert double garage to kitchen and convert upstairs storage area to a bedroom (proposed holiday let) |
| 2021/0837/BN | R | 17, Maes Lindys, Rhoose. CF62 3LN | Remove existing conservatory, rebuild an existing base, new roof and walls and conversion of remaining garage to home office and replacement of existing windows. |
| 2021/0839/BN | R | 12, Station Road, Dinas Powys, CF64 4DE | Single storey extension (8m x 3m). Internal reconfiguration of bedrooms and layout. |
| 2021/0841/BN | R | 5, Railway Terrace, Penarth, CF64 2TT | Two knock throughs |
| 2021/0842/BN | R | 27, Salop Street, Penarth. CF64 1HH | Loft conversion to rear and 2 structural knock throughs |
| 2021/0843/BN | R | 3, Harbour View Cottages, Northcliffe Drive, Penarth, CF64 1DQ | New dwelling |
| 2021/0848/BN | R | 6, Clive Crescent, Penarth, CF64 1AT | Single storey extension (2.5m x 5m) to replace current balcony. Replace some windows and doors. Knock through and steel works. Basement to have new floor build up. |
| 2021/0850/BN | R | 50, Grange Gardens, Llantwit Major. CF61 2XB | Single storey first floor extension approx. 52m2 |

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

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

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| 2021/0182/AI | A | 22, Heol Pentrer Felin, Llantwit Major, CF61 2XS | Rear single storey extension |
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| 2021/0183/AI | A | 19, Rhodfar Morwydd, Penarth. CF64 2UD | Replacement of existing conservatory roof with a Warm Roof System (works to incorporate material alterations to structure, controlled services, fittings and thermal elements) |
| 2021/0184/AI | A | 39, Bedford Rise, Boverton, Llantwit Major. CF61 2UP | Replace existing conservatory roof with Supalite tiled roof |
| 2021/0185/AI | A | 77, North Walk, Barry. CF62 8BX | Proposed two storey side extension and loft conversion (works to incorporate material alterations to structure, controlled services, fittings and thermal elements) |
| 2021/0186/AI | A | Ashdene, 10, Bridgeman Road, Penarth, CF64 3AW | Extensions, alterations and change of use to create 9 apartments (excluding construction of lower ground floor RC slab and retaining walls completed under previous Initial notice) |
| 2021/0187/AI | A | 14-15, Washington Buildings, Stanwell Road, Penarth, CF64 2AD | Internal alterations to form treatment rooms, consulting room and reception including associated works |
| 2021/0188/AI | A | 4, Twchwyn Garth, Llangan, Bridgend, CF35 5EF | Single storey rear extension |
| 2021/0189/AI | A | 24, Evenlode Avenue, Penarth. CF64 3PD | Construction of garden room (works to incorporate material alterations to structure, controlled services, fittings and thermal elements) |
| 2021/0190/AI | A | Church Barn, Flemingston. CF62 4QJ | Installation of a Velux window only (works to incorporate material alterations to structure, controlled services, fittings and thermal elements) |

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| 2021/0191/AI | A | St. Brides Court, St. Brides Major. CF32 0TD | Construct a two storey detached dwelling |
| 2021/0192/AI | A | Ty Hafan Childrens Hospice, Hayes Road, Sully. CF64 5XX | Form new room to first floor, a new reception area with two rooms, additional lighting to ground floor office, decoration changes with new smoke heads and emergency lighting |
| 2021/0193/AI | A | 15, Great House Meadows, Overtone, Llantwit Major, CF61 1SU | Roof replacement and frames |
| 2021/0194/AI | A | 39, Romilly Road, Barry, CF62 6LF | Loft conversion into bedroom and shower room. Rear dormer |

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 24 NOVEMBER, 2021

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

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

Decision Codes

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| A - Approved | O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement) |
| C - Unclear if permitted (PN) | B - No observations (OBS) |
| EB EIA (Scoping) Further information required | E Split Decision |
| EN EIA (Screening) Not Required | G - Approved the further information following "F" 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 |

2018/00838/1/C D A The Stables, Squire Street, Llysworney, Cowbridge Discharge of Condition 3 (Materials Details). Planning approval 2018/00838/FUL - Proposed ground floor and loft extension. Proposed conversion of garage into a garden storage and studio

2018/01108/3/C D A Land at Subway Road, Barry Discharge of Condition 17 (Landscaping). Planning approval 2018/01108/FUL - Demolition of existing buildings and erection of 72 affordable housing units, cycle bicycle store, waste store, surface level car park and associated works

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| 2019/01041/2/N MA | A | Pencoedtre High School, Merthyr Dyfan Road, Barry | Non Material Amendment - Amendments to the design of the development and changes to the wording of a conditions 4, 14 and 17. Refer to accompanying cover letter for full details. 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 |
| 2019/01177/3/C D | A | Glenburnie, Port Road, Wenvoe | Discharge of Condition 12 (CEMP). Planning approval 2019/01177/FUL - Development of a Care Home & associated works |
| 2019/01408/1/N MA | A | Land off Cowbridge Road, Northfields, St Athan | Non Material Amendment - substitution of house type on Plot 48 for planning permission 2019/01408/RES (reserved matters of outline planning permission 2016/01427/OUT for a residential development) |
| 2019/01413/1/C D | A | Brook House, Main Avenue, Peterston Super Ely | Discharge of condition 4 (tree protection) of 2019/01413/FUL- Demolition of existing outhouse to side of house and construction of a single storey kitchen and corridor extension with small single storey infill on front elevation. Construction of balcony on the rear elevation at first floor level |

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| 2020/00234/2/C D | A | 38, Main Street, Barry | Discharge of Conditions 10 (Contaminated Land - Remediation and Verification (1)) and 11 (Contaminated Land - Remediation and Verification (2)). Planning approval 2020/00234/FUL - New build three storey apartment building fitted with seven one bedroom flats and associated parking and amenity space at Land adjacent to 38, Main Street, Barry |
| 2020/00742/4/C D | A | St. Davids Church of Wales Primary School, Colwinston | Discharge of Condition 13 (Travel Plan). Planning approval 2020/00742/RG3 - Proposed replacement primary school including associated works |
| 2020/00872/FUL | A | Home Farm, Annexe, Hensol | Variation of Condition 3 of 2017/00767/FUL |
| 2020/01157/FUL | A | Llandow Circuit, Llandow, Cowbridge | An extension to the existing caravan storage compound for use between Oct 31st and March 1st, to provide secure winter storage for caravans outside of these months, continued use by Llandow Circuit as occasional car parking / accommodate secure short term unit parking for film crews operating in the area. New palisade fencing with security gates |
| 2020/01199/1/N MA | A | 1, West Acre, Llanmaes | Non Material Amendment - I am asking for the level 3 of the Pilkington scale glaze restriction to be removed from the landing window. In the same way the removal of the |

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| | | | restrictions on the two roof lights in the rear, nearest to the boundary with 1 and 2, Rectory Court, which states that they shall be non-opening and fitted with obscure glazing to a minimum of level 3 of the Pilkington scale. Planning approval 2020/01199/FUL - Two storey side extension |
| 2020/01336/FUL | A | 6, Hazel Road, Penarth | Proposed first floor side extension above existing kitchen |
| 2020/01353/FUL | A | Cedar Cottage, Penllyn | Retrospective application for engineering works associated with the enlargement of an existing pond and re-profiling of land |
| 2020/01411/FUL | A | GS TV Productions Ltd, Cardiff Road, Barry | Change of use from car sales to a vehicle rental and self storage company |
| 2020/01421/FUL | A | Six Acres, Off Gwern Y Gedrych Farm Lane, Peterston Super Ely | Demolition of existing substandard stable block, proposed stable block (4 stables) and tack room, proposed manege (20 X 40 m) and fencing. |
| 2021/00064/FUL | A | Land fronting Castlebrook, Llanmaes | Proposed detached dwelling |
| 2021/00204/1/N MA | A | 2, Llanmihangel Rise, Llanblethian, Cowbridge | Non-Material Amendment of Planning Permission 2021/00204/FUL: Replacement of front porch on existing footprint retaining current roof line, height and shape. New stone pillars to match existing stone on front of house. Side aspects to be glazed panels |

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| 2021/00236/1/N MA | A | 35, Station Road, Penarth | Non Material Amendment. Planning approval 2021/00236/FUL - The single storey extension is slightly enlarged to increase the size of the gym but only beneath the proposed external roof canopy that remains unchanged. The proposed roof lantern has been reduced to a smaller flat roof light. A high level window has been omitted over garage on front elevation. The existing front steps up to the house have been added to the existing and proposed drawings and therefore the relationship of the garage to house is shown at corrected ground levels |
| 2021/00241/FUL | A | The Hatches, Whitefield Farm Road, Aberthin | Convert existing barn to new holiday let tourist accommodation, to include alterations to access and defining curtilage of development - works will incorporate demolition of existing lean to corrugated structures |
| 2021/00254/FUL | A | The Lawns, Cwrt Yr Ala Road, Wenvoe | Proposed stable building |
| 2021/00535/1/N MA | A | 43, Porth Y Castell, Barry | Non material amendment - Minor amended to change the extension to include a masonry block rendered pier instead of fully glazed corner and to disconnect from original projection from house. Planning approval 2021/00535/FUL - Proposed single storey rear extension sun room |

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| 2021/00577/FUL | A | Glenholme Farm, Pont Sarn Lane, Peterston Super Ely | Demolition of existing substandard agricultural barn and replacement with new agricultural barn in new position. Demolition and reconstruction of rear collapsed section of garage/workshop and alterations to roof space to create games/hobby room to first floor |
| 2021/00579/FUL | A | Newton House Farm, Newton | New wooden framed building to house milk vending machine |
| 2021/00617/FUL | A | Atlantic Cafe, Bendrick Road, Barry | Extension of front patio with a conservatory to enable additional seating for 12-16 people |
| 2021/00642/RG3 | A | St. Brides Major Church in Wales Primary School, Heol Yr Ysgol, St. Brides Major | Proposed staffroom block replacement and associated drainage works |
| 2021/00699/FUL | A | Land off Cowbridge Road, Llwyn Nwydog, Ystradowen | To erect two prefabricated timber stables with an integral tack room |
| 2021/00729/FUL | A | 8, Beach Road, Penarth | Variation of Condition 2 (Approved Drawings) of Planning Permission 2020/01351/FUL: Construction of a two storey building with garage on ground floor and garden room on first floor |
| 2021/00753/FUL | A | 72, St. Pauls Avenue, Barry | Decking and associated structures to the rear of the property – to also include a change of use of land to the rear for use as garden |
| 2021/00769/FUL | A | University Hospital Llandough, Penlan Road, Llandough | Creation of a 7-acre therapeutic outdoor healthcare facility, comprising mainly landscape features. |

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| | | | Construction of a small therapy centre building and two sheltered seating areas. Alteration of existing pedestrian site entrance at hospital. Creation of new vehicle site entrance off Pen Y Turnpike Road. Installation of solar PV array to an existing hospital service building. |
| 2021/00788/OUT | A | Part of the area to be known as East Quay Park, land adjacent to No. 1 Dock and the Graving Dock | Proposed Water Activity Centre providing accommodation for existing/new office buildings and secure container storage facilities. 20 parking spaces and 40 dinghy storage spaces |
| 2021/00807/1/N MA | A | 11, Tewdrig Close, Llantwit Major | Non Material Amendment - Proposing to relocate the utility room door to rear elevation as per A104 Rev01. Planning approval 2021/00807/FUL - Proposed side extension to provide new garage and utility room. Existing garage converted into study |
| 2021/00808/1/N MA | A | 166, Port Road East, Barry | Non Material Amendment - Removal of wraparound side extension, and reduction of rear extension depth. Planning approval 2021/00808/FUL - Wraparound side and rear single storey extension |
| 2021/00809/FUL | A | 70, Eastgate, Cowbridge | Demolition of existing storage area, construction of new storage area and extension of the kitchen and bar area |

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| 2021/00810/LBC | A | 70, Eastgate, Cowbridge | Demolition of existing storage area, construction of new storage area and extension of the kitchen and bar area |
| 2021/00836/FUL | A | 45, Porthkerry Road, Rhoose | Ground floor porch and first floor balcony to front elevation. Two storey side extension and roof conversion with rear dormer to form additional bedrooms and bathroom |
| 2021/00862/FUL | A | 22, Cornerswell Road, Penarth | Ground floor single storey extension to side and rear, loft conversion with rear dormer |
| 2021/00892/FUL | A | 20, Fonmon Road, Rhoose | Single storey and double storey extensions to front elevation of existing dwelling |
| 2021/00901/FUL | A | Penrhiw Bungalow, Grants Field, The Downs, St Nicholas | Rear single storey flat roof extension, (with balcony over), proposed two storey front extension to gable bay, demolish existing garage and construct new summer house on site |
| 2021/00911/FUL | A | 13, Berkley Drive, Penarth | Demolish existing garage, single storey extension to rear and two storey extension to side. New front porch. |
| 2021/00935/FUL | A | 62, Meadow Vale, Barry | First floor side extension. Ground floor rear lean-to extension. Install retaining walls either side to bridge a brook in order to enlarge the usable rear garden area. |

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| 2021/00937/FUL | A | Land at Pantynawel House, Cowbridge Road, St Athan | Construction of detached 2 storey dwelling with access, on site parking and amenity space. |
| 2021/00940/LAW | A | 38, Porthkerry Road, Rhoose | Remove existing conservatory and erect single storey extension within footprint |
| 2021/00987/FUL | A | The Old Sails Lodge, Hayes Road, Sully | Alterations to existing dwelling including: Fencing; new Velux roof windows; rendering; new/amended conservatory w/log burner and removal of access ramp; enlarged bathroom window; painting of external features; security lighting and new decking/artificial grass/paving areas |
| 2021/00989/FUL | A | 2, Old Farm Mews, Dinas Powys | Replace current double glazed hardwood windows and doors with similar design and colour (dark wood effect) UPVC/Aluminium. Replacement windows will have small vent light |
| 2021/01000/FUL | A | Huntsmans Cottage, Llandough, Cowbridge | Proposed single storey rear extension to form new family lounge, incorporating a link to the existing first floor garage to form an additional bedroom and en-suite bathroom |
| 2021/01005/FUL | A | 24, Wordsworth Avenue, Penarth | Removal of existing rear two storey rear flat roof extension along with single storey side extensions and replacement with single storey and two storey rear and side extensions with a hip to gable loft conversion and associated works |

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| 2021/01006/FUL | A | Pontsarn Farm, Pontsarn Lane, Peterston Super Ely | Demolition of the existing barn structures and erection of a new replacement barn building for storage of agricultural equipment |
| 2021/01013/FUL | A | 44, Trem Y Don, Barry | Proposed two storey rear extension |
| 2021/01020/FUL | A | Nevolyen, 14, Burnham Avenue, Sully, Penarth | Demolish existing garage, build bar room/mancave/ storage shed. Demolish existing kitchen/dining room and construct larger kitchen/dining room. Bedroom 1 and 2 - raise floor to match existing and form flat roof. New porch |
| 2021/01023/RG3 | A | St. Richard Gwyn RC High School, Argae Lane, St. Andrews Major | Supply and installation of Two Section Modular Building, comprising of 15no toilet cubicles and communal hand wash trough station. Supply and installation of New Cabin. comprising of 2no. breakout classroom / offices with secure storerooms and central entrance lobby |
| 2021/01027/FUL | A | 5, Cliff Street, Penarth | Remodelling of rear addition and side rear extension |
| 2021/01037/FUL | A | Lower Monkton, Broughton | Variation of Condition 2 (Approved Plans and Documents) of 2021/00005/FUL: Install two temporary Glamping bell tents on decking in our field. to run from March 1 - October 31 each year. |
| 2021/01038/FUL | R | Jurys Cottage, 7, Hill Head, Llantwit Major | Removal of chimney stack |

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| 2021/01042/FUL | A | 57, Buttrills Road, Barry | Garden shed and gazebo |
| 2021/01056/FUL | A | 03535 - Railway Terrace Garage, Railway Terrace, Penarth | The removal of the existing 17.6m mast with 1 antenna and its replacement with a 17.5m mast with 6 antennas, the removal of 1 equipment cabinet and the installation of 2 equipment cabinets and ancillary equipment |
| 2021/01063/FUL | A | 20, Archer Road, Penarth | Single storey rear extension |
| 2021/01064/LBC | A | 20, Archer Road, Penarth | Single storey rear extension |
| 2021/01065/FUL | A | Wilton House, Sigingstone | Demolition of existing timber stables and construction of replacement new stone clad stables |
| 2021/01071/FUL | A | Land to the North of St. Lythans Road | Erection of stables and storeroom on grazing land |
| 2021/01090/FUL | A | Littlewood Cottage, Wick Road, St. Brides Major | Side dormer extension |
| 2021/01094/FUL | A | Swn Y Mor, 52, Craig Yr Eos Road, Ogmore By Sea | Renewal and repair of roof and current dormer windows. No increase to size and dimension of dormers or alteration to area, pitch or height of roof. Main roof structure to remain slate. Proposal to alter vertical dormer surfaces from hanging slate to natural wood cladding. Changing appearance |
| 2021/01102/FUL | A | Fairhaven, 67, Cog Road, Sully | Proposed removal of existing conservatory and construction of single storey extension with terrace above |

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| 2021/01107/FUL | A | 37, Boverton Brook, Boverton | Proposed single storey rear extension, extension to front of existing garage, first floor side extension and internal alterations to property |
| 2021/01110/FUL | A | L M Sportsplace Ltd., 2, The Precinct, Boverton Road, Llantwit Major | Variation of Condition 4 (Opening Hours) of Planning Permission 2020/01506/FUL: Two storey extension to existing retail units for commercial development for mixed use to include A1, A2, A3 and B1 |
| 2021/01111/FUL | A | 19, Slade Close, Sully | Proposed two storey front and side extension, loft conversion with rear dormer and Juliette balcony |
| 2021/01113/FUL | A | 5, Nailsea Court, Sully | Single storey extension to rear and side, gable wall added to side elevation, attic conversion |
| 2021/01128/FUL | A | Eastdown Farm Cottage, St. Hilary | Extension and link block to create additional living accommodation |
| 2021/01133/FUL | A | 6, Bridgewater Road, Sully | Single storey rear extension and resize and convert garage. |
| 2021/01138/FUL | A | 11, Anchor Road, Penarth | Replacement fence with two taller posts for a pergola frame to come off the fence |
| 2021/01160/FUL | A | 25, Pwll Y Min Crescent, Peterston Super Ely | Amendment to planning application 2019/00867/FUL. Rear dormer roof extension and side roof window |
| 2021/01161/FUL | A | 136, Colcot Road, Barry | Rear and side ground floor extensions |

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| 2021/01173/FUL | A | 72, Clos yr Wylan, Barry | Proposed two storey side extension. Single storey side and rear extension. Roof extension. Front balcony. New arrangement of windows (inc. Juliette balconies), external finishes and boundary enclosures |
| 2021/01174/FUL | R | Ty Isaf, Drope Road, Drope | Existing garage demolished and replaced with larger habitable space. Single storey extension to rear of dwelling connecting existing to proposed |
| 2021/01176/FUL | A | 4, Croft Lane, Southerndown | Extensions to side and rear, external alterations, garden structures, means of enclosure and landscaping |
| 2021/01179/FUL | A | 7, Earl Crescent, Barry | Two storey side extension with Juliette balcony to front elevation and single storey rear extension |
| 2021/01181/FUL | A | 55, Maes Y Gwenyn, Rhoose Point, Rhoose | Single storey extension to rear and side of existing dwelling to incorporate new games room and extended kitchen |
| 2021/01183/FUL | A | Natwest, 1, Elm Grove Road, Dinas Powys | A change of use from a vacant bank (A2 use class) to a coffee shop/wine bar (A3 use class) |
| 2021/01187/FUL | A | Brook lodge, Drope Lane, St. Brides Super Ely | Proposed part two storey part single storey extensions to form new garage, kitchen, utility, gym, swimming pool and bedroom |
| 2021/01189/FUL | A | 154, Barry Road, Barry | Retention of rear staircase to provide access to existing first floor self-contained flat used in |

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| | | | ancillary capacity to A3 business below |
| 2021/01196/FUL | A | 52, Redlands Avenue, Penarth | Single storey extension to front, side and rear elevations, including two storey extensions to side and rear elevations |
| 2021/01199/FUL | A | Little Haven, 13, Hillside Drive, Cowbridge | Proposed single storey front and rear extensions |
| 2021/01200/FUL | A | 26, Salop Street, Penarth | Ground floor rear extension, external insulation / render to the rear elevation |
| 2021/01204/FUL | A | Nine Oaks, Twyncyn, Dinas Powys | Proposed single storey rear extension, comprising two additional bedrooms |
| 2021/01207/FUL | A | Pendoylan Memorial Hall, Pendoylan | Proposed single storey extension to upgrade existing toilets including new disabled toilet and disabled access and new disabled access to hall (fire escape) |
| 2021/01211/FUL | A | 106, Morel Street, Barry | Double storey side and single storey rear extension |
| 2021/01214/FUL | A | 38, Eagleswell Road, Boverton, Llantwit Major | Two storey side extension |
| 2021/01216/FUL | A | 16, Mountjoy Avenue, Penarth | Proposed gazebo within rear garden |
| 2021/01221/FUL | A | Mariners Reach, 13, Lynmouth Drive, Sully | Proposed double storey rear annexe extension with balcony, new separate entrance and associated works. Extended decking area |
| 2021/01222/FUL | A | 16, Barry Road, Barry | Change of use from C3 to C4 to create a 5 bed HMO from a three bedroom, three storey house |

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| 2021/01229/FUL | A | High Street Pharmacy, 88, High Street, Barry | Replacement of existing window to the side elevation in order to install an automated prescription dispenser machine, with associated surround |
| 2021/01232/FUL | A | Jocelyn, 39, Boverton Brook, Boverton | Proposed front extension to existing garage and increased drop kerb |
| 2021/01234/FUL | A | West Lodge, Crossways, Cowbridge | Renewal of planning permission 2016/00963/FUL for a two storey side extension |
| 2021/01237/RG3 | A | Playground, Belle View Park, Belle Vue Terrace, Penarth | Climbing frame to be installed to replace an existing unit of similar size |
| 2021/01241/FUL | A | 68, John Batchelor Way, Penarth | Extension of balcony at first floor level |
| 2021/01245/FUL | A | 1, Heol Yr Ysgol, St. Brides Major | Proposed garage conversion and widening of drive for replacement parking space and garden shed. Alterations to fenestration |
| 2021/01248/FUL | A | 42, Clos Derwen, Dinas Powys | Proposed single storey rear extension, garage conversion, link corridor between house and garage and loft conversion with rooflights |
| 2021/01249/FUL | A | Pencoedre Farmhouse, Pencoedre Lane, Barry | Proposed single and double storey rear extension. Proposed detached garage to front |
| 2021/01250/LAW | A | 64, Cae Newydd, St. Nicholas | Proposed sunroom extension to rear of property |
| 2021/01254/FUL | A | 135, Redlands Road, Penarth | Loft conversion complete with dormer to rear and new window to side |

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| | | | elevation. Nominal raising of ridge height to provide minimum headroom |
| 2021/01256/FUL | A | 14, Ashgrove, Dinas Powys | Single storey side extension |
| 2021/01259/FUL | A | 23, Mountjoy Avenue, Penarth | Single storey rear and side extension plus loft conversion with rear dormer and hip to gable extension |
| 2021/01261/FUL | A | 31, Plymouth Road, Penarth | Installation of two 800 x 1400 mm roof windows to Flat 8, 31, Plymouth Road. Internal alterations |
| 2021/01262/FUL | A | 7, Fulmar Close, Penarth | Proposed side porch |
| 2021/01265/FUL | A | 5, River Court, Treoes, | Detached garage |
| 2021/01268/FUL | A | 7, Somerset View, Ogmore By Sea | External alterations to the property including the changing of external materials and fenestration, and the replacement of the balustrade around the balcony |
| 2021/01280/FUL | A | 41, Cornerswell Road, Penarth | Loft conversion with flat roof dormer to rear elevation |
| 2021/01281/FUL | A | 11, The Pinnacle, Trem Elai, Penarth | Removal of existing windows and doors to north and east elevation and replacement with new bi-folding doors to improve access to balcony. |
| 2021/01286/FUL | A | 3, Sunnyside, Treoes | Single storey entrance porch addition to front of property. Single pitch slate roof. Block construction dressed with local limestone stonework. Footprint of 1.7 x 2.50 metres. Stable style entrance door on side of |

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| | | | porch with wooden casement window on longer front facing wall. |
| 2021/01289/FUL | A | Corner House, Ysticl Garu, Llysworney | Garden gazebo |
| 2021/01291/FUL | A | 16, Herbert Street, Barry | Demolition of existing conservatory and construction of single storey kitchen extension to rear of property |
| 2021/01292/FUL | A | 2, Nyth Y Dryw, Rhoose | Single storey rear extension plus internal alterations and all associated works |
| 2021/01299/LAW | A | Hillfields Farm, Pont Sarn Lane, Peterston Super Ely | Breach of agricultural occupancy condition as part of 1974/1318 planning permission for a continuous period of 10 or more years from the date of this application. |
| 2021/01303/FUL | R | 21, Maes Y Ffynon, Bonvilston | Proposed first floor bedroom extension with en-suite built over existing ground floor kitchen |
| 2021/01307/FUL | A | 102, Pontypridd Road, Barry | Demolish outhouse. Construct ground floor extension to rear of existing house |
| 2021/01308/FUL | A | 9, The Grove, Barry | Proposed single storey rear extension |
| 2021/01322/LAW | A | 12, Nant Canna, Treoes, Bridgend | Single storey rear extension |
| 2021/01325/OBS | P | Land adjacent to Cwrt Yr Ala Road, Caerau | Removal of existing 18m monopole C/W 4 no. antennas, 2 no./ equipment cabinets and other ancillary equipment; installation of replacement 22.5m monopole on extended concrete base C/W |

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| | | | installation of 8 no. replacement antennas, 24 no. ERS units on new headframe and 2 no. 0.3m dishes on monopole; installation of 2 no. replacement equipment cabinets, 4 no. ERS racks on extended concrete base and ancillary equipment thereto |
| 2021/01326/FUL | R | Maindee, 49, Romilly Road, Barry | Demolish existing two storey single garage and coach house building at the rear of the property and construct a two storey double garage and replacement coach house/annexe |
| 2021/01327/FUL | A | 8, Berkrolles Avenue, St. Athan | Single storey front extension to form porch with WC |
| 2021/01332/FUL | A | Treloweth, 92, Plymouth Road, Penarth | Alterations to original planning approval 2021/00140/FUL to increase the building depth and reduce its width from the current approved scheme. |
| 2021/01336/FUL | A | 106, Stanwell Road, Penarth | Replacement of existing sash windows with wood effect uPVC sliding sash windows including Acoya sash horns and glazing detailing to match existing |
| 2021/01344/FUL | A | 8, Newgale Close, Barry | Conversion of existing garage into habitable space, to include raising the roof height |
| 2021/01351/FUL | A | Martyr Worthy, Peterston Super Ely | Demolition of existing conservatory and utility room and replacement with single storey flat roofed extension. |

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| 2021/01383/LAW | A | 63, Queen Street, Barry | Loft conversion with dormer to rear |
| 2021/01396/FUL | A | 15, Bullfinch Road, St. Athan | Detached garage |
| 2021/01406/FUL | A | 21, Amherst Crescent, Barry | Single storey extension to provide enlarged kitchen / living areas |
| 2021/01424/LAW | A | 4, Readers Way, Rhoose | Construction of single storey rear kitchen extension |
| 2021/01431/LAW | A | 5, Glanymor, Boverton, Llantwit Major | Single storey rear extension |

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **24 NOVEMBER 2021**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

None

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

None.

(d) Enforcement Appeal Decisions

None.

Note regarding transfer from PINS to PEDW

On 1st October 2021, the staff and functions of the Planning Inspectorate Wales (PINS) transferred to the Welsh Government and is now called Planning and Environment Decisions Wales (PEDW).

The Planning Inspectorate confirmed that this transfer of functions would result in a disruption to services and that a transition period would commence on 16th September 2021. Any appeal submitted after that date would therefore be started as soon as possible after the transfer to PEDW had taken place. It was also confirmed that work on existing cases would continue from 16th September to 29th September and that following a period of training, work would resume on 11th October 2021.

It is for this reasons that the Council has not received notification of any new appeals that have been 'started' by PEDW or any decisions made since this was last reported to Committee on 27th October 2021, however it is anticipated that this service will resume shortly.

Enforcement Appeal lodged by Biomass UK No.2 Limited

On 15th October 2021, PEDW confirmed that it had received an appeal from Biomass UK No.2 Limited relating to the Enforcement Notice issued by the Council on 17th September 2021. It was subsequently confirmed that an extension to the deadline for the submission of the appellant's Statement of Case had been granted until 19th November 2021 and the appeal would only be started when the Statement and Grounds of Appeal had been received.

The appellant (Biomass UK No.2 Limited) has requested that the appeal is dealt with by way of a Public Inquiry, however PEDW has advised that the procedure for the enforcement appeal will be provisionally determined when the appeal is started and any procedure changes will also be confirmed by the Planning Inspector once all of the appeal documents, statements and comments have been received. The appellant has also paid their 'deemed application' fee of £36,800 to the Council, which means that the Planning Inspector will be able to consider whether planning permission should be granted for the matters alleged in the notice.

The Council is therefore currently awaiting the receipt of the appellant's Statement of Case and confirmation of the relevant timescales for the submission of statements from PEDW and whether the appeal will proceed through a Public Inquiry. As an appeal has been lodged, the effect of the enforcement notice is now suspended, until the outcome of the appeal is known.

(e) April 2021 – March 2022 Appeal Statistics

| | | Determined Appeals | | | Appeals withdrawn /Invalid |
|---|-----------|--------------------|-------------|-------|----------------------------|
| | | Dismissed | Allowed | Total | |
| Planning Appeals (to measure performance) | W | 15 | 3 | 18 | - |
| | H | - | - | - | - |
| | PI | - | - | - | - |
| Planning Total | | 15 (83%) | 3 (17%) | 18 | |
| Committee Determination | | 1 | 1 | 2 | - |
| Other Planning appeals (inc. appeal against a condition) | | - | 1 | 1 | - |
| Enforcement Appeals | W | - | 1 | 1 | 1 |
| | H | - | - | - | - |
| | PI | - | - | - | - |
| Enforcement Total | | (0%) | 1 (100%) | - | 1 |
| All Appeals (excludes non validation appeals) | W | 15 | 4 | 19 | 1 |
| | H | - | - | - | - |
| | PI | - | - | - | - |
| Combined Total | | 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 : **24 NOVEMBER, 2021**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved
E Split Decision

R - Refused

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| 2021/00637/TPO | A | 8, Stanwell Road, Penarth | Repollarding of one mature Horse Chestnut tree (T1) |
| 2021/01298/TPO | A | The Mill, Llandough | T1 Ash - removal; T2 - Beech and T3 - Sycamore- 20% reduction; G1 - roadside trees crown raise to 5m; G2 - Ash - removal; T4 - Elm - removal of multithemed dead elm; T5 - Sycamore- removal of scrub sycamore growing out of boundary wall; T6 - Ash - removal of declining ash near power line |
| 2021/01301/TPO | A | Llancarfan Tennis Club, School Lane Llancarfan | Work to trees covered by TPO No. 24, 1973: Removal of 12 x Ash trees |
| 2021/01317/TPO | A | 16, St. Brannoeks Close, Barry | Full removal of Oak in the rear garden of the property due to the major structural damage caused to the homeowners property and the neighbours. Stump ground out for replanting |

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| 2021/01319/TCA | A | Boverton Park House, Boverton Park Drive, Boverton | Work to tree(s) in a Conservation Area: 1 X Scotta Pine - remove deadwood; 1 X Cypressus Macrocarpa - reduce height by 3 metres; 3 X Cherry - prune back off lawn by 0.5 metre to a suitable growing point |
| 2021/01321/TCA | R | Whitethorns, Marine Parade, Penarth | Fell Common Lime (Tilia Europaea) |
| 2021/01323/TCA | A | Brown Lion House, Llanmaes | Work to tree(s) in a Conservation Area: Holly Bush - cut down and remove: 2 Damson trees - cut down and remove |
| 2021/01343/TCA | A | Bridge House, 95, Broadway, Llanblethian, Cowbridge | Work to Tree(s) in a Conservation Area: T1 Poplar in rear garden - dismantle |
| 2021/01361/TPO | A | The Bothy, Wenvoe Castle Golf Course, Wenvoe | TPO - No. 04, 1951-T1 - Sycamore. Prune back T5 - Hornbeam. Prune away from service cable, crown raise T6 - Poplar. Crown reduction T8 - Ash. Dismantle due to dieback T9 - Hornbeam X2. Crown lift |
| 2021/01371/TPO | A | 6, Glaslyn Close, Barry | Works to tree covered by TPO No. 3 1984 - Removal of one Ash tree |
| 2021/01376/TPO | A | Brooklands, Millbrook Road and rear boundary with 13 and 14 Orchard Crescent, Dinas Powys | Work to trees covered by Tree Preservation Order No. 7, 2003: G1 - Mixed conifers - fell and replace with more sustainable hedge line. Yew hedge and three specimen trees |

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| 2021/01385/TCA | A | Mount Farm House, 23, Station Road, Dinas Powys | Fell Ash tree located adjacent to the North boundary wall with ash die back and replace with a <i>Betula Utilis Jacquemontii</i> . |
| 2021/01434/TCA | A | 20, Victoria Road, Penarth | Work to tree in Penarth Conservation Area: Fell Eucalyptus tree |

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **24 NOVEMBER, 2021**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. PLANNING APPLICATIONS

Background Papers

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

2019/00503/FUL Received on 14 April 2020

APPLICANT: Propdev (UK) Ltd c/o Agent

AGENT: Mrs. Arran Dallimore C2J Architects & Town Planners, Unit 1A, Compass Business Park, Pacific Road, Ocean Park, Cardiff, CF24 5HL

Dunraven Court, Beach Road, Southerndown

Proposed part demolition of existing buildings, extension, alteration and conversion of property to form 20 self-contained 2 and 3 bed apartments with associated alterations to the vehicular access and provision of on-site parking, cycle, refuse and amenity facilities

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 of a scale and/or nature that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

The site is located in Southerndown, which is identified as a minor rural settlement within the Local Development Plan (LDP). The building is not listed but is a locally listed 'county treasure'. It was originally constructed as a hotel, later converted to a care home, and by now been vacant for several years. There is a public footpath located approx. 50m south west of the site, between it and the coastline, which cuts through the adjacent field parcels. The Wales Coastal Path is located further to the west, some 300m distance away from the site. The site is also within the Glamorgan Heritage Coast area.

It is proposed to partly demolish the Dunraven Court, extend it, alter the building, and convert it into self-contained apartments. The development also includes the erection of a block of apartments to the west of the building, and the erection of further apartments in place of the outbuildings north of the main building. There would be 20 apartments created in total, each two or three bedroomed.

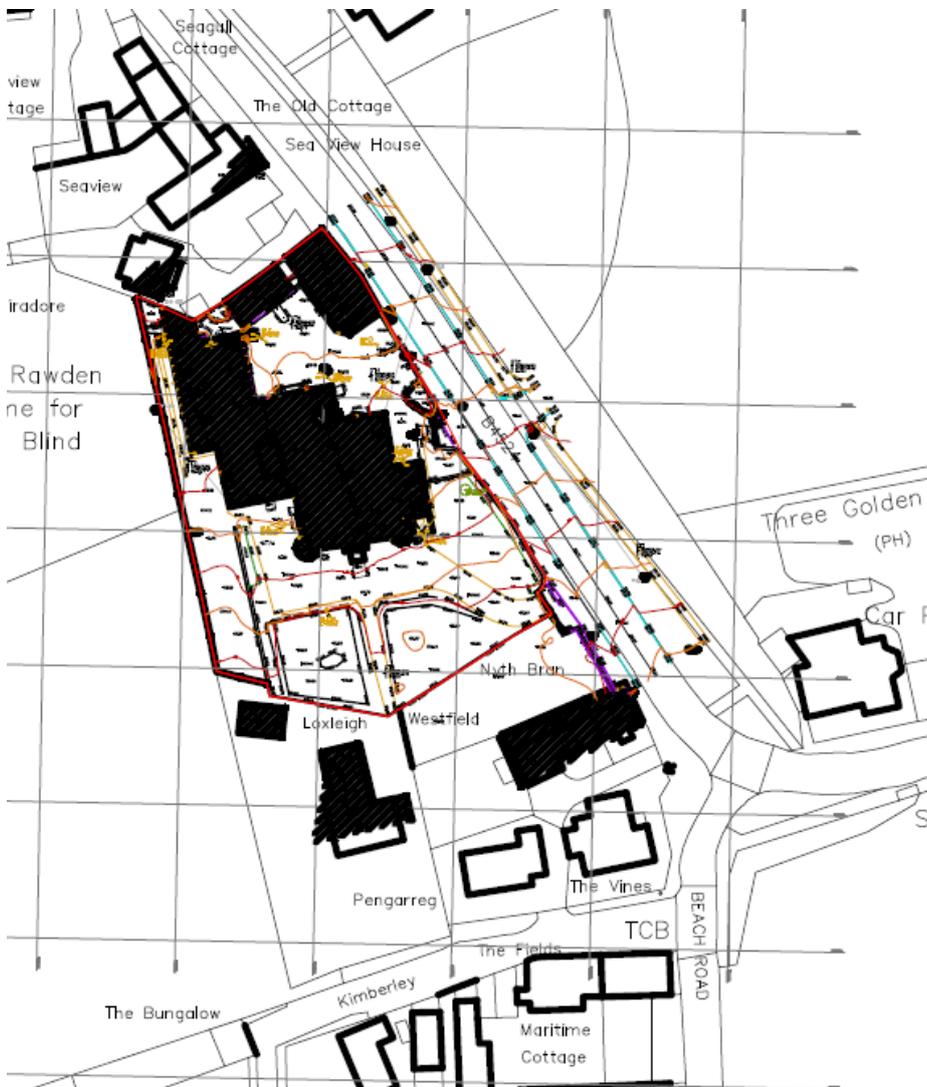
There have been representations received from four households. The reasons for objection are detailed within the main body of the report, however the main areas of concern relate to design, visual impact, loss of light and privacy, noise and disturbance, highway safety and impact on local infrastructure. No response was received from the local ward councillor and the community council.

The principle of the residential redevelopment of the site is considered acceptable, given the location within an existing settlement. The principal matters considered in this report are whether the development proposal is acceptable in terms of its design, density and scale, it being locally listed and in the Glamorgan Heritage Coast, and whether it can be safely accessed and provides adequate parking, the impact to neighbouring amenity, amenity space provision, ecology, and drainage. Planning obligations and site viability are also considered.

Having considered the above, it is considered that the proposed development is acceptable and the application is recommended for APPROVAL, subject to conditions as detailed within the main body of the report.

SITE AND CONTEXT

The site is located within the Southerndown settlement boundary as defined by the Local Development Plan, as shown in the below plan extract:



Dunraven Court is not listed, and the site is not within the bounds of a conservation area. It has, however, been identified as a locally listed 'county treasure'. It appears to have been constructed in the early 1900's in the style of a mock castle, defined by two prominent towers on the front elevation. It was originally constructed as a hotel and later converted to a care home. It has by now been vacant for several years.

There is a public footpath located approx. 50m south west of the site, between it and the coastline, which cuts through the adjacent field parcels. The Wales Coastal Path is located further to the west, some 300m distance away from the site. The site is also within the Glamorgan Heritage Coast area.

DESCRIPTION OF DEVELOPMENT

It is proposed to partly demolish the principal building, extend it, alter the building, and convert it into self-contained apartments. The development also includes the erection of a block of apartments to the west of the building, and the erection of further apartments in

place of the outbuildings north of the main building. There would be 20 apartments created in total, each two or three bedroomed.

There are also alterations proposed to the site layout to create a parking area, as well as provide cycle parking and refuse facilities. The vehicular accesses are also proposed to be relocated northwards of their existing locations.

The proposed elevations are depicted below:



SOUTHERLY ELEVATION 01



SOUTHERLY ELEVATION 02



WESTERLY ELEVATION

PLANNING HISTORY

2014/00950/PND, Address: Southerndown Care Home, St. Brides Major, Proposal: Proposed demolition works, Decision: Approved

CONSULTATIONS

Vale of Glamorgan Council Highway Section stated no objection subject to the development meeting the following requirements in the interest of highway safety:

- Details of off-site highway improvements, incorporating the widening of the footway for the full site frontage to 3.5m and provision of an uncontrolled crossing point across the B4265, to be submitted, approved and implemented prior to occupation.
- A Traffic Regulation Order (for no waiting at any time) to be provided along the extent of the identified visibility splays shown on plan 16-076-AL (90) 06.
- The submission, approval and implementation of a Construction Traffic Management Plan.
- The carrying out of Highway Condition Surveys pre commencement and post completion, with any required remedial work identified carried out at the developer's expense.

Vale of Glamorgan Council Drainage Section stated that the site is not located within a DAM zone at risk of tidal or fluvial flooding and NRW maps indicate that there is very low risk of surface water flooding to the site. Advisory notes were provided in relation to SuDS (SAB) requirements.

Shared Regulatory Services (Environment) stated that contamination was not known at this site. It was requested that conditions be imposed relating to unforeseen contamination and the importation of soil and aggregate.

St. Brides Major Community Council – no response received to date.

Dwr Cymru/ Welsh Water stated no objection in relation to water supply, that capacity exists within the public sewerage network to receive the domestic foul only flows from the proposed development site and no problems were envisaged with the Waste Water Treatment Works. Advisory notes were provided in relation to requirements for surface water disposal and sewer/ drain connections.

Vale of Glamorgan Council Ecology Officer – did not object, but recommended that further details of the proposed bird boxes, lighting and landscaping be agreed to ensure that impacts to bats and birds were adequately mitigated and biodiversity enhancement provided.

Vale of Glamorgan Council Landscape Section – no response received to date.

Housing Strategy (Affordable Housing) – stated that there is an evidenced need for additional affordable housing in the Vale of Glamorgan and the development should deliver 5 x 2 bedroom affordable apartments, 1 x 3 bedroom affordable apartment and 2 x Low Cost Home Ownership units.

Natural Resources Wales stated no objection. It was considered that whilst the bat report identified that Common Pipistrelles and Brown Long-Eared bats were present, the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

It was advised that where bats are present, the development may only proceed under licence issued by Natural Resources Wales.

South Wales Police stated no objection and welcomed certain aspects included such as secure gated entrance to the car park, overlooked parking areas, secure storage and cycle storage provision. It was also recommended that:

- All parking is overlooked by residential dwellings
- A scheme of work in respect of external lighting to access road, parking and pedestrian routes is submitted/ approved
- Main gated entrance has an audio-visual access control facility fitted
- The site is made secure by a 1.8m perimeter enclosure
- All apartment blocks have audio-visual access control features fitted
- All apartment entrance doors comply with PAS24:2016 and are dual certified for fire protection
- Any ground floor or accessible upper windows comply with PAS24:2016
- Any external entrance exit doors have vandal proof external lighting
- Any communal areas have adequate external lighting
- Any private communal areas should be enclosed and secure
- Any bin storage areas should be secure and allow access only by residents or bin collection staff
- There should be adequate risk assessments carried out in terms of fire prevention, detection, and evacuation
- The development should be built to Secured by Design Gold standards

St. Brides Major Ward Councillor – no response received to date.

Cardiff and Vale University Health Board – stated, in summary, that it was unclear whether additional health practice capacity existed, but nonetheless development would likely place additional strain on resources. It was also identified that funding for NHS dental services, and potentially ophthalmic services in future, was limited. It was also stated and the development would not materially alter the planned delivery of wellbeing centres and hubs, and no comment was made in relation to secondary care and public health.

Gwent Glamorgan Archaeological Trust – concluded that that Dunraven Court is of local historic importance by virtue of its architecture, history and cultural significance within the area. As a result, they strongly recommended that a building survey is made prior to works commencing, in order to preserve by record the current layout and history of the building's development.

REPRESENTATIONS

The neighbouring properties were consulted on 12 November 2019, 16 April 2020, and 15 October 2021.

A site notice was also displayed on 13 December 2019.

Representations were from four households during consultations as well as one made anonymously.

All those making representations objected to the proposals. However, two also stated support for the development of the site in principle, insofar that the proposals would retain and entail renovation of the main building and principal elevation, potentially enhance landscaping and bring the site back into beneficial use.

The grounds of objection and/or areas of concern are summarised below:

- Design not in keeping with local area
- Proposed new-build western wing is large, oppressive and of inappropriate design and will obscure public views of Dunraven Court and the coast
- The distinctive round turret windows should be retained
- Overdevelopment of site
- Detrimental visual impact from proposed car parking
- Overlooking of adjacent fields/ footpath
- Insufficient parking provision/ overspill
- Detriment to highway safety and visibility
- Lack of on-site/ local public open space
- Consideration of education requirements/ school places
- Consideration of impact to drainage/ public sewerage systems
- Poor internet/ telecom services locally
- Elements of proposed design/ landscaping unsuited to exposed coastal location
- Loss of light
- Inappropriate colour scheme
- Loss of views
- Overlooking/ loss of privacy
- Noise/ dust/ disturbance from construction activities
- Loss of hedgerow & boundary walls
- Security
- Excessive hard surfacing (visual/ environmental concern)
- Insufficient proposed levels detail

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 SP3 – Residential Requirement
POLICY SP4 – Affordable Housing Provision
POLICY SP7 – Transportation
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG4 – Affordable Housing
POLICY MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species
POLICY MG27 – Glamorgan Heritage Coast

Managing Development Policies:

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

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

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.

Paragraph 4.1.50:

“A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.”

Paragraph 4.1.52:

“... Local authorities will need to ensure that their parking standards reflect local transport provision, are adopted by individual authorities as supplementary planning guidance, and are kept under review. Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.”

Technical Advice Notes:

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 18 – Transport (2007)

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). 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:

- Affordable Housing (2018)
- Biodiversity and Development (2018)
- County Treasures

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

Other relevant evidence or policy guidance:

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

The site is located within the settlement boundary of Southerndown as identified within the Local Development Plan (LDP). Policy MD5 of the Local Development Plan permits new residential development within settlement boundaries, subject to several criteria.

The last known use of this property was for a residential care establishment, but it has long been vacant. The conversion and redevelopment to a residential use is considered acceptable within this settlement location, subject to compliance with Policy MD5 and other relevant policies of the LDP. There are discussed in turn below: -

Design, Character and the Glamorgan Heritage Coast

Policy MD8 of the LDP states that proposals must preserve or enhance locally listed buildings, their setting, and any features of significance they possess. Policy MD2 and MD5 promote a high standard of design and state new development must relate well to its surroundings. Policy MG27 meanwhile permits new development within the settlement boundaries of the Glamorgan Heritage Coast, but states proposals must not unacceptably affect the *special environmental qualities* of the area.

The building is presently vacant and is in a visibly poor state of repair. These proposals would entail demolition of a portion of the existing building, including the entirety of the western wing. These elements appear to form part of the original construction, but the main features of interest are contained within the principal elevation which is proposed to be retained. The retention of the front elevation and majority of its design features is

welcomed, and it would remain the primary focal point of the development. The fact that the proposals offer opportunity to renovate the building and bring it back to beneficial use is also a material factor in its favour.

The existing building contains a two-storey rear wing at present, and whilst the proposed one would be larger in massing, the design is complementary and it remains clearly subservient to the main three/four storey annexe. This element is considered acceptable in relation to visual amenity.

A more modern design approach has been taken for the proposed new western apartment block, which would be over two storeys with a flat roof. This block would have a larger massing than the existing western wing, which is shorter and narrower despite also being two-storeys with a pitched roof above. The proposed block is designed to open out on to the coastline with projecting balconies serving the first-floor apartments. The design of this block has undergone iterative improvement during this application, having been reduced in size, and is by now in approximate alignment with the main front elevation. A large projecting side balcony has also been omitted. The proposed western block now has a greater degree of subservience to the main body of the building – particularly from views of the site that are available from the coastline to the west.

The modern design approach for the western wing is also considered acceptable and would provide a sense of definition between the older main body and the new-build block at its side. The proposed coast facing elevation displays a consistency and coherence and the large expanses of glazing previously proposed (which though likely transparent, can also result in significant reflection/ light spill) have been reduced significantly. This element of the proposals is also considered acceptable, having regard to the settlement location, massing of the existing building and restorative nature of other elements of these proposals.

In relation to the rear outbuildings and boundary walls, the positioning of the access points north of their current locations and the rebuilding and re-alignment of the eastern wall of the outbuilding, where it abuts the highway, would clearly have a visual impact from viewpoints on the B4524. However, subject to construction detail and appropriate finishing of the proposed stonework, the rebuilding and realignment is considered acceptable. The area adjacent to the highway would also need to be made good. The detail of the stonework, hard surfacing and boundary enclosures can be secured by condition 7.

The retention of the round turret window openings would be preferential to their replacement with rectangular openings. However, in view of the general benefit of renovation offered by these proposals, and the non-listed status of the buildings, it is considered that this element would not warrant refusal of an otherwise acceptable proposal.

The development would result in the loss of some insignificant vegetation around the site peripheries, however, there is adequate scope to enhance landscaping within these proposals. A detailed scheme of landscaping and planting can be secured by condition (see condition 7). The proposed car parking layout, while increasing the amount of hard surfacing, is considered acceptable subject to suitable landscaping to soften this impact.

In conclusion, the development is considered to preserve the character of the building and provides an acceptable scheme for its residential redevelopment. It would also have no significant adverse impact to local visual amenity and the special environmental qualities

of the Glamorgan Heritage Coast. It is therefore considered compliant with Policies MD2 – Design of New Development, MD8 – Historic Environment and MG27 – Glamorgan Heritage Coast.

Neighbouring Amenity

The site is open to the west where it bounds agricultural fields and to the east it bounds the highway. There are residential properties adjoining the site to the north and south. Those to the north have the closest relationship to the proposed buildings. Of these, the nearest neighbour is 'Miradore', which shares a common boundary with the application site. However, despite this being the case, the land immediately adjacent to the application site appears to function as a driveway, with the main amenity space located on the far side of the dwelling. The orientation of the windows is such that there would be no significant impact to this neighbour in relation to loss of light, shading, or overlooking.

The neighbouring 'Seaview House' lies beyond the driveway serving 'Miradore'. It appears to have its principal amenity space to the front side and to have principal windows directly facing the application site. The height of a portion of the opposing boundary wall would be increased, but immediately opposite at 'Seaview House' is a garage and its access, and so it would not result in any significant shading impact or loss of light to the dwelling or garden. There would be a gable window introduced on one elevation facing 'Seaview House', however this unit is single storey and the opposing elevations would be approx. 21m apart. The proposed and existing boundary enclosures would maintain privacy between the amenity spaces, whilst the relationship between windows would not conflict with the privacy standards and guidance within the Residential and Householder Development SPG. Although some roof terraces would likely be visible, these are an acceptable distance from any neighbouring windows (more than 21m), and garden areas.

The rear annexes of the main building would not have any significant neighbouring impacts and are considered acceptable. It is proposed to demolish the existing western wing, to be replaced with a new flat-roof block (both two-storey). The proposed block would be wider than the existing, potentially impacting on some views, however it would be lower to the eaves and the additional bulk of the pitched roof would also be lost. The impact to views is not a material planning consideration, whereas the impact in terms of shading and loss of light to the northerly neighbours is considered acceptable, as is the proposed colour scheme in relation to light impacts.

The neighbouring property 'Seascope' adjoins the site to the south. There would be no significant shading impact or loss of light to this property at these separation distances. The proposed western apartment block would have windows closer to this neighbour than is currently the case. It also has a balcony wrapping around the opposing elevation, although this has been reduced significantly in size during the course of the application. There would be views possible from this elevation toward the garden areas of 'Seascope', and this would be more appreciable than is currently the case, but not at a distance that would not cause significant harm to amenity. There is also some intervisibility between the front driveway of Dunraven Court and the nearside part of the garden of 'Seascope', due to the low boundaries and the site gradient. This garden area is not highly private in nature, and the impact of the development and parking area is considered acceptable in relation to privacy. The proposed levels have not been provided, but can be secured by condition for approval prior to commencement (see condition 3, 7).

In relation to the construction phase, a degree of noise and disturbance from the works is inevitable. The impact is temporary and not in itself sound justification for refusal of planning permission. A condition requiring the submission of a Construction and Environmental Management Plan, to include measures designed to reduce the potential for disturbance and manage the development has been recommended by the Environmental Health Officer (see condition 5).

Amenity Space

The Residential and Householder SPG prescribes a standard of 15sq.m shared amenity space per person for flatted developments, or 20sq.m per person for houses. This development proposes to provide private courtyards or terraces for each apartment. The courtyards are between approx. 30 – 150sq.m in size, whereas the terraces are approx. 15 to 25m in size.

Some of the outside courtyards and the terraces fall short of the space standard outlined in the SPG. The courtyards (serving the ground floor units) would also be subject to a degree of overlooking from the rooms and terraces serving the units above. The amenity spaces are nonetheless logically laid out and would provide occupiers with defensible outdoor spaces sufficient to serve their basic needs, such as clothes drying and for relaxation. In addition, there is an open landscaped area approx. 400sq.m in size located adjacent to the proposed car parking, which is sizable enough to provide added value some value as a shared amenity space – subject to details of landscaping and surfacing (see condition 7).

Access, Parking and Highway Safety

This section will consider access and parking arrangements, whereas sustainable transport is considered in greater detail within the planning obligations section of this report.

In relation to vehicular access, the proposal indicates two new access points as illustrated on the proposed ground floor plan. The site is served by two existing access points, these would be blocked up and the new access points moved northwards of their current positions, and widened. The application has been supported with visibility splay drawings, which indicate adequate visibility can be achieved from these new access points. The proposed changes would represent an overall improvement compared to visibility compared to the existing position.

Nonetheless, a high demand for on-street parking adjacent to the site has been witnessed in summer, which appears to be related to holidaymaking activity and is unrelated to the development site. It can result in instances of disruption to the flow of traffic, and/ or instances of pavement parking. In order to ensure the identified visibility can be achieved, in the interest of the safe operation of the accesses, it is considered necessary for a Traffic Regulation Order to be implemented across the site frontage in accordance with plan AL(90)06 (see condition 10).

In relation to parking capacity, the Parking Standards SPG indicates a maximum parking requirement of once space per bedroom (up to 3) for new residential development. This would equate to a total of 42 spaces and 4 visitor spaces for a development of this size. A total of 41 spaces are shown within the proposed layout. The guidance within PPW and the Parking Standards SPG, however, states that a flexible approach to parking standards should be adopted.

The site is considered to be in a relatively sustainable location, located within a minor rural settlement (as defined by the LDP) and is served a regular bus service between Barry and Bridgend, via Llantwit Major. The proposed parking provision is considered appropriate for the development and context of the site. The spaces are also an adequate size and laid out in an accessible manner. The Highways Authority do not object in relation to the proposed parking provision.

The Highway Authority also requested a Construction Traffic Management Plan be agreed and road condition surveys secured. The details of constructor parking, wheel washing facilities, delivery times and haulage routes are included in condition 5 (CEMP), but the requirement for road condition surveys is considered excessive for a development of this size. The site also has good access immediately off the B4254 and the development would involve the creation of new access points. The latter would need a new dropped kerb as part of their construction and would be 'made good' as part of the development.

In conclusion, the development is considered acceptable in relation to traffic generation, access, parking provision and cycle storage.

Ecology

The application is supported by a bat report which has identified that bats (Common Pipistrelles and Brown Long-Eared bats) are present at the application site.

As a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority (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.

Test i) - The derogation is 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.

The residential development of the site would bring some benefit to the local/ regional economy through the construction process and provide a social benefit by addressing a clear and evidenced need for new housing within the Vale of Glamorgan. The prominent local building, a locally listed 'County Treasure', is also in a poor and dilapidated condition. It is not suitable for beneficial use without, as a minimum, extensive renovation and modernisation. It is therefore considered that this test is met.

Test ii) - There is no satisfactory alternative

The building does not appear suitable for direct residential conversion without some level of adaptation and, as noted, being in a dilapidated condition it is also unsuitable for its current lawful use as a workshop without, as a minimum, extensive repair and renovation. It is likely required that such renovation works would similar impacts in terms of the identified roost.

The applicant could seek to build elsewhere within the site, however this would not address the disused nature of the building and likely result in an unacceptable visual impact to the character of the building and surrounding area.

Moreover, if the building was left in its current condition (i.e. do nothing), there would be no incentive for this or any future landowner to invest in the upkeep of building, without it being in beneficial use. In time, the condition of the building would ultimately continue to deteriorate and the roost would eventually be lost. If the more immediate loss of the roost caused by this development can be adequately mitigated and maintained, it could prove the most beneficial long-term option.

Test iii) - The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Natural Resources Wales have been consulted and although have stated no objection, and that the development was not likely to be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range. It was nonetheless advised that a European protected species (EPS) Licence is required for this development.

The three tests outlined above are therefore considered met, and the development to be acceptable overall in relation to ecology, subject to compliance with the EPS licencing process – administered separately by NRW.

In addition to the above, Policy MD9 of the LDP requires new development to provide biodiversity enhancement. The aforementioned report recommends the implementation of a suitable lighting plan and the provision of bird boxes. This approach is considered acceptable in principle, although it is recommended that a lighting strategy and a detailed enhancement plan be secured by condition (see condition 6).

Drainage

Welsh Water have confirmed that capacity exists within the public sewerage network to accommodate foul only flows from the proposed development. There is no detailed drainage scheme put forward at this stage, but the application forms indicate that surface water would also be disposed of via the main sewer.

The Council's drainage engineer stated that the site is not located within a DAM zone at risk of tidal or fluvial flooding and NRW maps indicate that there is very low risk of surface water flooding to the site. It was also advised that 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.

As indicated above, the means disposal of surface water is subject to separate regulation and the disposal of surface water via the main sewer (irrespective of the current method) may not be suitable. There nonetheless appears to be sufficient area within the site for further exploration of SuDS options/ strategies, such as permeable surfacing, to be considered as part of a comprehensive scheme.

The proposals are considered acceptable in principle, noting capacity exists to accommodate foul flows from the development and a scheme of surface water disposal would be subject of separate application via the SAB process.

Archaeology

Gwent Glamorgan Archaeological Trust were consulted and advised that that Dunraven Court is of local historic importance by virtue of its architecture, history and cultural significance within the area. As a result, they strongly recommended that a building survey is made prior to works commencing, in order to preserve by record the current layout and history of the building's development. This can be secured by condition 4.

Additional matters raised in representations

There is no evidence to suggest that the magnitude of the development would have any significant impact on local telecommunication services, and suitable new connections can likely be made available to the prospective occupiers.

The detail of landscaping is secured by condition (see condition 7) and the future maintenance of the building would be the responsibility of the developer or any future owners.

The proposed layout is considered acceptable in relation to security. The site would be enclosed, private and the parking areas have a good level of natural surveillance.

Planning Obligations

Development Viability

Welsh Government advice contained in "Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update" (2009) makes it clear that development viability is a material consideration in determining planning applications. The burden of proof in such cases falls with the developer to prove that viability is an issue for their development. LDP Policy MD4 – Community Infrastructure and Planning Obligations also recognises that regard should be given to development viability. The supporting text to this policy states:

7.30. The Council accepts that it may not always be possible for developers to satisfy all the planning obligation requirements. Where this is proven to be the case, the Council will need to consider what the planning obligation priorities will be for that particular development, having regard to the site location and the local needs in the vicinity. This will be considered on a site by site basis having regard to the statutory tests. The Welsh Government has advised that, in such circumstances, affordable housing should be the priority once sufficient infrastructure to enable the scheme to proceed (such as education facilities to meet the additional pupil demand) has been made available.

Following negotiations with the applicant, evidence was provided in support of their arguments that the development costs would undermine the commercial viability and ultimate deliverability of the development, if the full affordable housing and other Section 106 contributions were secured. The developer submitted a viability appraisal, which includes details such as projected development revenue, costs, professional fees, finance costs, build contingency, land value and infrastructure costs.

This evidence has been reviewed by officers in conjunction with the Council's Commercial and Consultancy Managers (Property) and Strategic Estates Manager. It was concluded that the projected development costs and values are representative, and having factored in the policy compliant planning obligations (as outlined below), the residual value of land would be well below the benchmark land value and the scheme would not be viable should financial contributions be sought.

Nevertheless, these conclusions have been drawn based on current market conditions and could so be subject to change over time. It is therefore considered necessary to require that the development commence and be completed in a reasonable timeframe. The mechanisms to secure this are a reduction to the standard five year implementation period to 24 months (see condition 1) and to enter into a Section 106 agreement that secures viability will be reviewed if the development is not completed two years thereafter. This is proposed in the recommendation below.

In light of the above, the relevant planning obligations are discussed in turn below:

Education

All new residential developments which are likely to house school aged children can create additional demand on places at existing schools. Planning Policy Wales (PPW) (Ed. 11) also emphasises that supporting infrastructure is crucial to new development. It makes it clear that development control decisions should take account of social considerations relevant to land use issues, of which education provision is one.

LDP Policy MD4 – Community Infrastructure and Planning Obligations requires proposed developments for residential developments, to improve community infrastructure for educational facilities.

The mechanism for calculating the education requirement is outlined within the Planning Obligations SPG. Rounded up to a full education place and based on 20 units, the development will generate the following demand:

- Pre-school = $20 \times 0.1 = 2$ (2 places)
- Primary = $20 \times 0.278 = 5.56$ (6 places)
- Secondary (11-16yrs) = $20 \times 0.208 = 4.16$ (4 places)
- Secondary (16+) = $20 \times 0.04 = 0.8$ (1 place)

The cost per school place, based on SPG values, are:

- Nursery and Primary - £18,249 x number of places required
- Secondary - £27,498 x number of places required (11 - 16)
- Secondary - £29,823 x number of places required (post 16)

The primary schools serving the development are;

- St Brides CIW primary school (English medium) - primary education
- Ysgol Iolo Morgannwg (Welsh medium) - primary education
- Cowbridge Comprehensive (English medium) - secondary education
- Ysgol Gymraeg Bro Morgannwg (Welsh medium) - secondary education

The total education contribution required of this scheme would be £285,807, calculated on the above basis.

Affordable Housing

LDP Policy MG4 requires that 40% affordable housing to be incorporated with any residential development of this site. Given that the scheme proposes 10 units or more, the policy requires all provision to be provided on site, with the requirement being rounded up to the nearest whole number. In this case, the scheme should deliver 8 affordable units on site.

However, the Council's Housing Strategy section, in consultation with Registered Social Landlords, anticipated that practical management issues may arise in the delivery of on-site units within a conversion scheme of this nature. It is therefore considered that equivalent provision for off-site delivery of affordable housing would be more appropriate in this instance.

The financial contribution would be calculated in line with the formula contained within the Council's Affordable Housing SPG and based on the predominant local need:

4.no 1 Bed

$$£119,700 \times 4 \times 0.58 = £277,704$$

3.no 2 Bed

$$£148,400 \times 3 \times 0.58 = £258,216$$

1.no 3 Bed

$$£198,600 \times 0.58 = £115,188$$

The total financial contribution requested for affordable housing therefore equated to a total of £651,108.

Sustainable Transport

Increasing importance is enshrined in local and national planning policies emphasising the need for developments to be accessible by alternative modes of transport than the private car. Planning Policy Wales (PPW) (Ed. 11), recognises that to create sustainable and cohesive communities within Wales, improvements to transport facilities and services are required.

National policy contained within Technical Advice Note 18 'Transport' (March 2007) Paragraph 9.20 allows local planning authorities to use planning obligations to secure improvements to the travel network, for roads, walking, cycling and public transport, as a result of a proposal.

In accordance with the Planning Obligations SPG a contribution to enhance sustainable transport facilities was requested which equated to £2,300 per residential unit, a total of £46,000.

In relation to sustainable transport improvements, the Highway Authority also requested that an uncontrolled crossing point across the B4265 be provided and the footway be widened to 3.5m across the site frontage.

The realignment of the outbuilding could provide for some widening of the footway, at that particular pinch point. However, the widening of the footway across the whole frontage to 3.5m would be unrealistic given the alignment of the site boundary with the highway. It would not be reasonable to require the developer to create an incursion into the site (or to narrow/ re-align the carriageway) to deliver a wider footway over a relatively short stretch and given the constraints of the existing built form on the western side of the carriageway (i.e. noting that there is not a practicable prospect of that route being continued further than the site frontage).

The developer has agreed to undertake off-site works to provide an uncontrolled crossing point across the B4265 (see condition 9) to provide improved pedestrian connectivity to the site and link to the footway opposite. Whilst this improvement is considered necessary to facilitate the development, it would nonetheless also offer improvement to sustainable transport provision in the immediate locality.

Public Open Space

Residential developments are expected to make provision for Public Open Space and/or recreational facilities to meet the needs of the future population they will bring to the area. Open space offers vital opportunities for sport and recreation, and act as a visual amenity.

There is no public open space provided within the development site and a deficiency of children's play space exists in both Southerndown and the St. Brides Major Ward.

Therefore, and on the basis that the need for outdoor sports provision can be met by existing facilities, a financial contribution for off-site children's play space provision was requested based on a calculation of £900 per dwelling. This would equate to a total of £18,000 for this development.

Community Facilities

Community facilities are important for meeting a range of social needs and must be provided locally to serve the needs of the local community and reduce the need to travel. All new residential developments place pressure on existing facilities.

The LDP Community Facilities Background Paper (2013) assessed the level of provision of community facilities throughout the Vale of Glamorgan and the additional demand generated by new development planned in the Local Development Plan. There is currently a deficit within the ward of community facilities.

The community facilities contribution for the scale of this development would be based on the formula £1,260 per dwelling in the Planning Obligations SPG. Therefore, financial contribution requested equated to £25,200.

Public Art

- Public Art: 1% of build costs.

Health Services

The comments of Cardiff and Vale University Health Board are noted, however whilst these recognise the increased strain on resources from population growth, no objection has specifically been raised in relation to these concerns. It should also be noted that whilst funding toward improvement of health infrastructure could be considered, these would need to be clearly evidenced and policy based. In this instance, whilst no funding was requested of the developer, it has nonetheless since been demonstrated that the development would not be viable to fund such financial obligations.

Conclusions

In light of aforementioned viability constraints, it must be considered whether there is a sufficient planning merit weighing in favour of the development.

The development would provide additional housing, for which there is an evidenced need in the Vale of Glamorgan. The site is not allocated for development but delivery of 'windfall' sites, such as this, are essential in order to meet the housing land requirement over the development plan period (Policy MG1 – Housing Supply in the Vale of Glamorgan refers). In addition, the development would bring back into beneficial use a currently dilapidated building – one of architectural merit and a locally listed 'county treasure'.

The development is therefore considered acceptable without the aforementioned financial planning obligations, given their provision would make the development unviable. The refusal of the application on these grounds would leave no realistic prospect it could proceed, and in turn, the site would most likely remain vacant. This position is subject there being a site viability review should the development not proceed in accordance with anticipated timescales. This approach is compliant with Policy MG4 of the LDP and the development is considered acceptable on this basis.

RECOMMENDATION

Subject to the relevant person(s) first entering into a Section 106 Legal Agreement or undertaking to include the following necessary planning obligations:

- Provide a mechanism to ensure that in the event the development is not completed within 24 months following commencement, a development viability review is triggered, which could then require the provision of contributions as follows:
- £285,807 towards education provision to meet the need arising from the development.
- £651,108 towards affordable housing provision.
- £46,000 for sustainable transport improvements in the area, relating to access to the site and local facilities, to serve occupiers of the development.
- £25,200 towards community facilities to serve occupiers of the development.
- £18,000 towards public open space provision/enhancements in the area, to serve occupiers of the development.

- 1% of build costs for public art.
- The legal and implementation/monitoring fees for the S106 agreement.

APPROVE subject to the following condition(s):

1. The development shall begin no later than 24 months 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(0) 10 Rev O - Proposed Ground Floor Plan
 AL(0) 11 Rev J - First Floor Plan
 AL(0) 12 Rev C - Second Floor Plan
 AL(0) 13 Rev C - Third Floor Plan
 AL(0) 20 Proposed Elevations Rev E
 AL(0) 21 Proposed Elevations Rev E
 AL(0)22 Proposed Barn Elevations - Rev D

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

Reason:

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

4. No development approved by this permission shall commence until an appropriate programme of historic building recording and analysis has been secured and completed in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the Local Planning Authority. The final report on such recording shall be deposited with the Local Planning Authority prior to first beneficial use of the development hereby approved, in order that it may be forwarded to the Historic Environment Record, operated by the Glamorgan Gwent Archaeological Trust (Heathfield House, Heathfield, Swansea SA1 6EL Tel: 01792 655208).

Reason:

As the building is of significance the specified records are necessary in order that records are kept of any features of archaeological interest and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

5. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:
- i) the parking of vehicles of site operatives and visitors;
 - ii) the access/haulage route and the loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - viii) hours of construction and deliveries;
 - ix) lighting;
 - x) management, control and mitigation of noise and vibration;
 - xi) odour management and mitigation;
 - xii) diesel and oil tank storage areas and bunds;
 - xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
 - xiv) a system for the management of complaints from local residents which will incorporate a reporting system.

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

Reason:

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

6. A Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- i) Details of a lighting strategy, to reduce spillage on to foraging habitats for bats;
 - ii) Details of a biodiversity enhancement, to include the provision and details of at least 5 bird boxes.

The approved plan shall be implemented and all measures provided prior to the first beneficial occupation of any apartment and thereafter retained at all times in accordance with the approved details.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MG19 (Sites and Species of European Importance), and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

7. A scheme of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
- i) A statement setting out the design objectives and how these will be delivered;
 - ii) earthworks showing existing and proposed finished levels or contours;
 - iii) means of enclosure and retaining structures, including construction details for any new areas of stonework;
 - iv) other vehicle and pedestrian access and circulation areas;
 - v) hard surfacing materials, including at the juncture between the proposed 'barn' unit and the adopted highway;
 - vi) minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, etc.), and

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, and an implementation programme.

Reason:

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

8. The scheme of hard landscape works (including any groundworks, retaining structures and enclosures) comprised in Condition 7 above shall be fully implemented prior to the first beneficial occupation of any apartment. In the case of soft landscape works, 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 first beneficial occupation of any apartment 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), and MD2 (Design of New Developments) of the Local Development Plan.

9. Prior to commencement of development and notwithstanding the submitted plans, details of an uncontrolled crossing point across the B4265 shall be submitted to and approved in writing by the Local Planning Authority. The proposed access, parking and turning facilities and the off-site highway improvements shall all then be fully implemented in accordance with the approved details prior to the first beneficial occupation of any apartment.

Reason: In the interests of highway safety, to promote accessibility to sustainable modes of transport and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

10. A Traffic Regulation Order restricting vehicles to "No Waiting at Any Time", to prevent parking along the western side of the B4524 and ensure maintenance of the visibility splay, shall be implemented along the extent of the splay as identified on plan reference 16-076-AL(90)06 prior to the first beneficial occupation of any apartment.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

11. Notwithstanding the submitted details, a schedule of materials to be used in the construction of the development hereby approved, including samples, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the first beneficial occupation of any apartment.

Reason:

To safeguard local visual amenities, as required by Policies Policy MD2 (Design of New Development) and SP10 (Built and Natural Environment) 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, SP3-Residential Requirement, SP4-Affordable Housing Provision, Policy SP7-Transportation, SP10-Built and Natural Environment, MG1-Housing Supply in the Vale of Glamorgan, MG4-Affordable Housing, MG19 - Sites and Species of European Importance MG20-Nationally Protected Sites and Species, MG21 - Sites of importance for nature conservation, regionally important

geological and geomorphological sites and priority habitats and species, MG27 – Glamorgan Heritage Coast, MD1-Location of New Development, MD2-Design of New Development, MD3-Provision for Open Space, MD4-Community Infrastructure and Planning Obligations, MD5-Development Within Settlement Boundaries, MD6-Housing Densities, MD7-Environmental Protection, MD8- Historic Environment and MD9-Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance, including Residential and Householder Development, Affordable Housing, Planning Obligations, Parking Standards, Biodiversity and Development and County Treasures, and national guidance contained in Planning Policy Wales, TAN2-Planning for Affordable Housing, TAN5-Nature Conservation and Planning, TAN12-Design, TAN18- Transport and TAN24- Historic Environment, it is considered that the proposal represents an acceptable form of residential redevelopment of the site that would preserve the character of the buildings and not result in any significant harm to the visual amenity of the surrounding area and special environmental qualities of the Glamorgan Heritage Coast. The proposal is also considered acceptable in respect of neighbouring and residential amenity, parking and highway safety, drainage, heritage, ecology, and infrastructure.

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

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

NOTE:

- 1. Before work is commenced the applicant must ensure that, where necessary, the appropriate Building Regulation consent has been obtained.**
- 2. 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>**
- 3. 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

- 4. 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. (I71).**
- 5. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 6. No works shall be undertaken within the adopted highway without first securing consent under Section 278 of The Highways Act 1980.**

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.

| | | | |
|---|---------------|-------|---------------------|
| Site No. | 16.076 | Rev. | A |
| Drawn No. | AL190101 | | |
| Dunraven Court, Southerndown, CF32 0RW | | | |
| Title | Location Plan | Scale | 1:500 & 1:1250 @ A3 |
| Date | 30/08/18 | Drawn | WS |

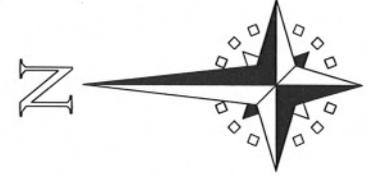
Architects Town planners
Environmental & Urban design

102-124, Central Business Park,
Pantofrynau, Cardiff, CF24 0LW
www.gjdesign.co.uk
tel: 01222 434310

Date: 03/12/19
Drawn: WS
Checked: WS
Description: Plan updated with topographical survey for catfoot existing situation.



LOCATION PLAN
1:1250



LOCATION PLAN
1:500

2021/00368/FUL Received on 20 July 2021

APPLICANT: C Thomas Silverdene, Llanmaes, Llantwit Major, CF61 2XR

AGENT: Mr Sean Taylor 36, Clos Nant Mwlan, Pontprennau, Cardiff, CF23 8NA

Silverdene, Llanmaes

Conversion of vacant land to residential garden

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. The enforcement action is not covered by the scheme of delegation so committee authorisation is required.

EXECUTIVE SUMMARY

This proposal is for retrospective permission to retain part of a former agricultural field which is being used as a residential garden. The land is to the rear of the dwelling known as Silverdene, Llanmaes.

The principal issue to consider is the impact of the development upon visual amenity and the character of the countryside. Llanmaes Community Council stated no objection. There were also two representations made from members of the public, and both raised concerns which have been outlined within the main body of the report.

The report outlines that Policies MD1 and MD2 of the Local Development Plan and national guidance seek to ensure proposals respond appropriately to their surroundings and protect the countryside from unacceptable development. It concludes that the proposed change of use fails to respond appropriately to the rural context and is harmful to the appearance and character of the immediate surroundings and the countryside setting, so is contrary to local and national planning policy.

It is recommended that the planning application be **REFUSED** and that **PLANNING ENFORCEMENT ACTION BE AUTHORISED** so that an Enforcement Notice may be issued to remedy the breach of planning control. In addition, authorisation is also sought to initiate legal proceedings in the event of non-compliance with the Enforcement Notice.

SITE AND CONTEXT

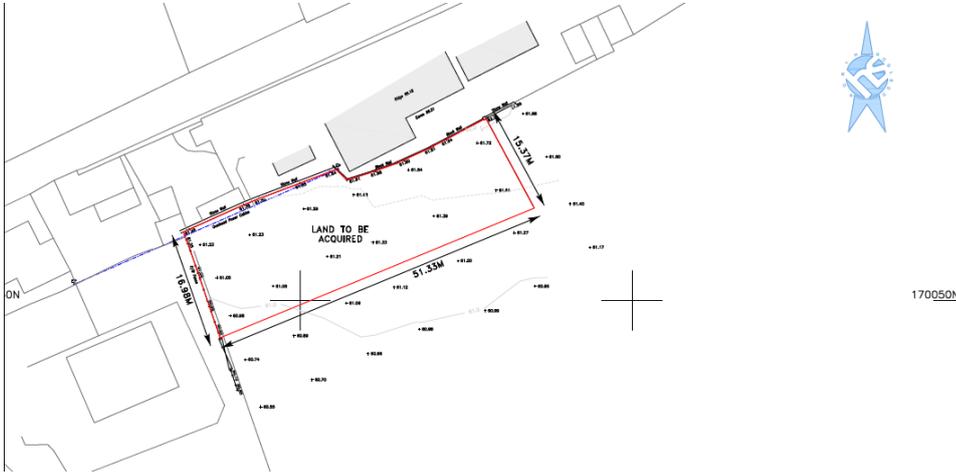
The application site comprises former agricultural land to the south of Silverdene. It is located outside any settlement boundary as defined by the Council's adopted Local Development Plan (LDP). The dwelling is one of a small cluster located approx. 200m northeast of Llanmaes. There is a public footpath approx. 70m southwest of the site.

The site is also inside a Category 2 Limestone Mineral Safeguarding Zone.

DESCRIPTION OF DEVELOPMENT

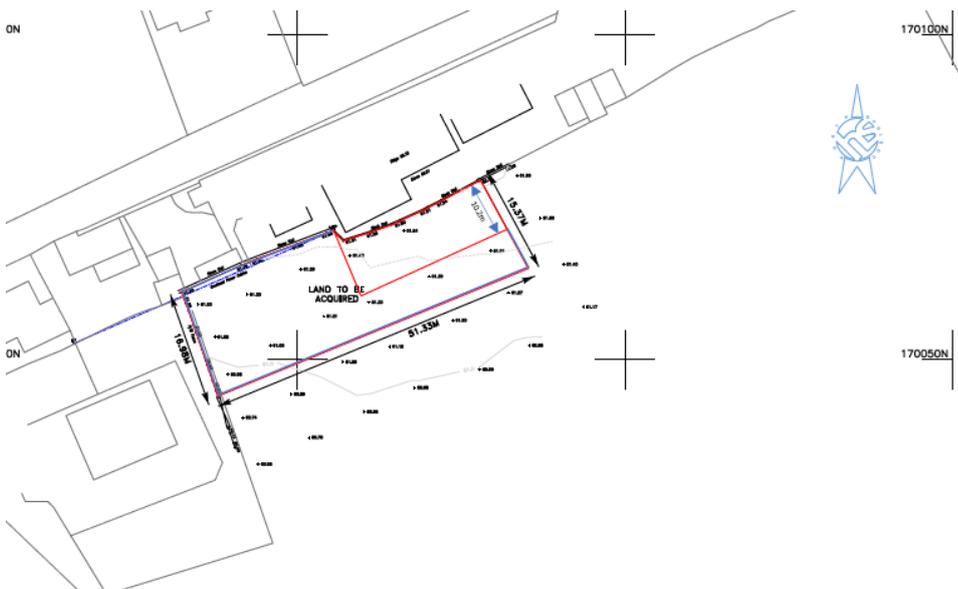
Background to the application:

A planning application was made for a change of use to residential land in August 2020, reference 2020/00990/FUL. The planning application originally sought the change of use of the land outlined in red below:



However, prior to determination of this application in September 2020 the Council were made aware that works had taken place on the site. It was apparent that this land had been enclosed, with direct access to it created from the rear of Silverdene. There had also been a patio laid within the extended area, as well as a hot tub installed with a pergola.

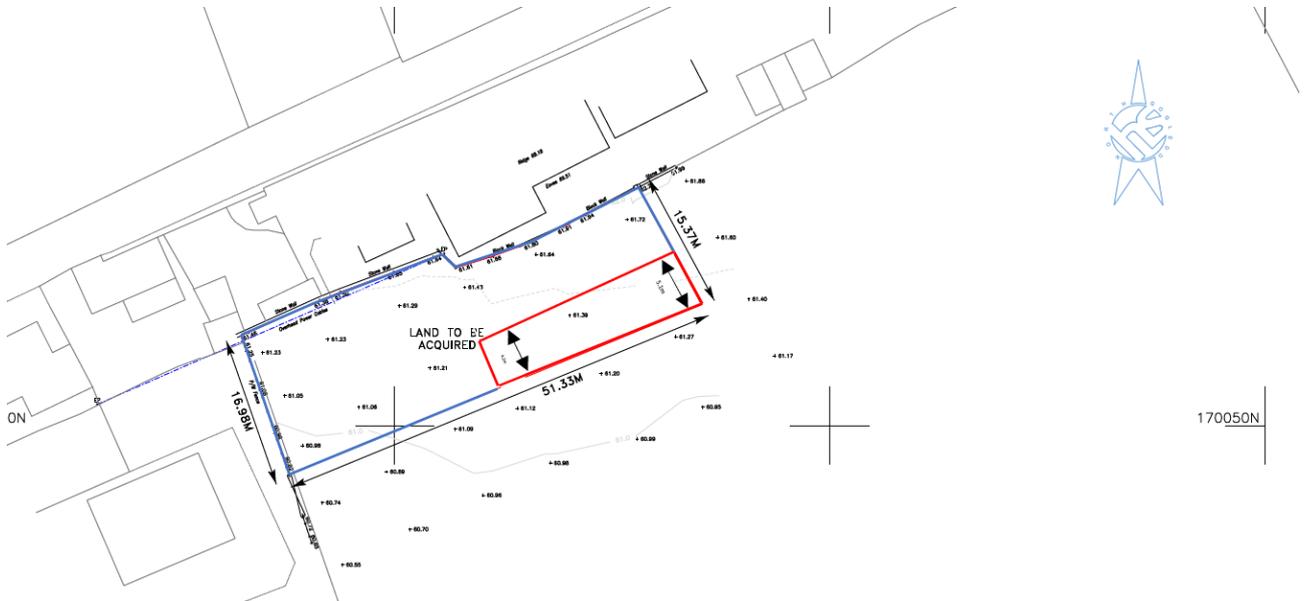
The application was subsequently amended following negotiations with Officers, due to concerns relating to the impacts of this development. A reduced area was subsequently permitted in February 2020, on condition that it was enclosed by a fence within three months of the decision date. The permitted area is outlined red on the plan extract below:

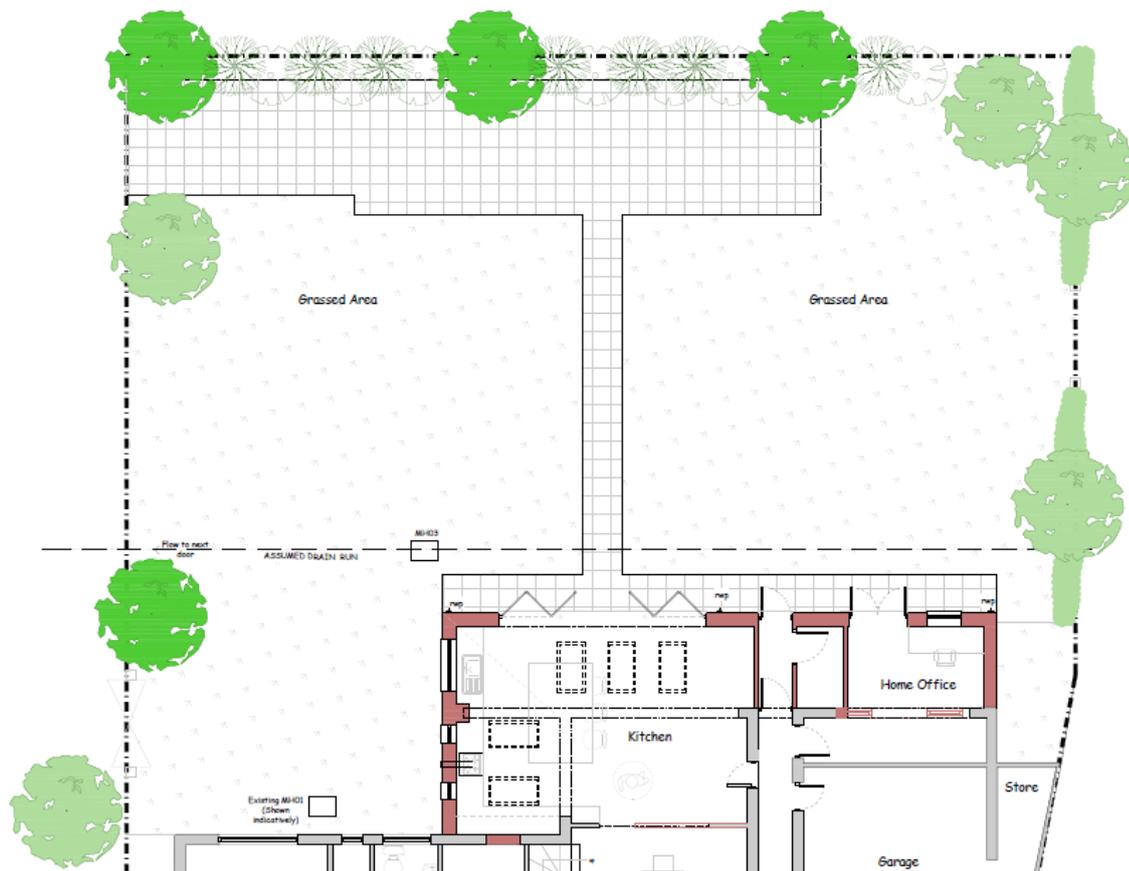


The permitted garden area has not been enclosed in accordance with this permission. Moreover, the land beyond remains in residential use and the patio remains upon it.

The current application:

This application seeks consent for the retention of the residential use of land (and patio area) for an additional area, which is outlined in red below:





PLANNING HISTORY

2020/00990/FUL, Address: Silverdene, Llanmaes, Llantwit Major, Proposal: Conversion of vacant land to residential garden, Decision: Approved.

CONSULTATIONS

1. Llanmaes Community Council stated no objection.
2. Llantwit Major Ward Councillors – no comments received to date.

REPRESENTATIONS

The neighbouring properties were consulted on 30 July 2021.

A site notice was also displayed on 12 August 2021.

There were two representations made and whilst both raised concerns, one objection was formally made. The concerns and objections have been summarised below:

- The applicant's failure to adhere to planning regulations
- The recently constructed fence blocks daylight and views
- Stockpiling of earth and materials on the land
- Further works comprising a shelter and shed of poor quality
- The use of land for car parking and deliveries

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 SP9 – Minerals

Managing Growth Policies:

POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD7 – Environmental Protection

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
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- The Best and Most Versatile Agricultural Land
- Development in the Countryside

3.9 “The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.”

3.14 “Site and context analysis should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment.”

3.16 “Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected.”

3.38: “The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources”.

Chapter 4 - Active and Social Places

4.2.24: “In the open countryside, away from established settlements recognised in development plans or away from other areas allocated for development, the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.”

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)

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).”*

5.5 *“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.”*

5.8.1 *“The special qualities of the rural landscape and coastline of Wales should be recognised. The qualities should be enhanced through conservation of the character of the countryside and by achieving quality in new development.”*

6.16 *“The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted.”*

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). 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:

- Design in the Landscape
- Minerals Safeguarding (2018)
- 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 main issues to consider are the principle of the change of use, the impact on visual amenity and character of the countryside, as well as residential amenity.

Agricultural land

Policy MD1 (Location of New Development) seeks to emphasise the importance of protecting the countryside from unacceptable and unjustified new development. It states, specifically, that development must have no *unacceptable impact* on the countryside and the *best and most versatile* agricultural land. Policy MD7 (Environmental Protection) echoes the latter requirement.

The site and the areas around it are predicted to be Grade 3b agricultural land as defined on Welsh Government maps. This grading is not amongst the best and most versatile as defined by Policies MD1 and MD7 and the proposed change of use is therefore considered acceptable in this respect.

Visual impact/ Character of the countryside

Policy MD1 of the Council's LDP states that new development should "*have no unacceptable impact on the countryside*". In addition, policy MD2 (Design of New Development) states that development proposals should positively contribute to the context and character of the surrounding environment.

This is supported by paragraph 5.5 of TAN12 (Design) and is emphasised for rural settings in paragraph 5.8.1. The latter states that “*The special qualities of the rural landscape and coastline of Wales should be recognised. The qualities should be enhanced through conservation of the character of the countryside and by achieving quality in new development.*”

Policy DG13 of the ‘Design in the Landscape’ SPG also provides design aims for rural settlements stating ‘*to reduce, and wherever feasible, reverse the erosion of locally distinct rural character which results in suburbanisation.*’

In terms of the site’s context, it is visible from a public footpath approx. 70m to the southwest where it crosses land to the rear of Ebbisham Lodge. The footpath then enters the field parcel to the rear of the Silverdene a little further to the south. The extended garden area of Silverdene and the backs of the other neighbouring properties are clearly visible to users of the footpath. This area has a distinctly rural character and is of a typically agricultural appearance – i.e. large, open fields with hedgerows and modest fencing separating each field from the next. The site and surroundings are shown on the aerial photograph below, which pre-dates the unauthorised development.



(Aerial photo – route of public footpath marked)

The land was separated from most of these properties’ rear gardens by means of a modest stone boundary wall in some instances and taller, timber fences elsewhere. However, the wall to the rear of Silverdene has been removed and the land purchased by the applicant and enclosed with a timber fence. In addition, a patio area has been laid on the extended garden, and a hot tub and a timber framed pergola have been sited/constructed.

There is some development to the south west of these dwellings to the rear of Ebbisham Lodge, including an agricultural style building and hardstanding, as well as a paddock. An

extension to their garden was also permitted recently (2020/01198/FUL). This neighbour's garden used to be of similar depth to Silverdene, but now extends to the northern elevation of the building to the south (in-filling the gap between that building and the house). That was considered to be a proposal of reasonable size which, having regard to the relationship with the agricultural building and original curtilage, would not appear as a harmful incursion into the countryside.

In discussion with the applicant during the course of planning application 2020/00990/FUL it was resolved, prior to its approval, to reduce the proposed site area so that the rear boundary would be broadly in line with that approved at Ebbisham Lodge, in terms of its depth. The width was also reduced to be in line with the side boundaries of Silverdene.

The reason Officers took the above position in negotiations was that, whilst recognising there would be some impact on the countryside, the reduced area would acceptably limit the scale of the proposals and their impact. i.e. so that the garden extension was commensurate in size and depth to that approved nearby. However, the unauthorised garden extends beyond that point, and is approx. 200sq.m larger than the approved area, resulting in both a materially greater visual impact and an unacceptable urbanising impact on the local countryside (appreciably different in impact when compared to the extent permitted by application ref: 2020/00990/FUL).

The comparative increase in depth may seem limited when put in context of the size of the wider field parcel, but incremental extensions such as that being considered under this application can undermine the character of the countryside. A residential use is far more likely to result in an urbanising effect upon the character of the land (e.g. through domestic paraphernalia, ornamental planting etc.) than an agricultural building and paddock. This difference in character is already evident between the agricultural building and paddock and Ebbisham Lodge and the unauthorised garden at Silverdene, even though it is incomplete/ unfinished at present. The proposal would result in an unacceptable creeping urbanisation of the countryside. Whilst each proposal is considered on its own merits, it could also result in increased pressure for neighbouring properties to extend into the agricultural field to a similar depth. The photograph below shows the enclosed area, in the context of the otherwise open and undeveloped field:



There have been landscaping proposals put forward as part of this application and it is understood that the applicant would be open to suggestions / further developing the scheme - if it was considered necessary to mitigate the impact of the development. However, whilst noting the benefits of good landscaping to enhance new development, landscaping alone is insufficient to overcome the aforementioned concerns, which relating to the residential use and impact to the rural character of the surrounding area. Moreover, it would not be reasonable (with reference to Welsh Government Circular 016/2014) to condition the permanent retention of landscaping and trees, given these could fail in future.

It is noted that the proposal is to regularise the residential use in line with the ownership boundary, and that without planning permission, it may have limited practical use for the applicant. However, unlike the impact to the countryside, neither the retrospective nature of the application nor the land ownership situation are material planning considerations and do not weigh in favour of the development.

In summary, the proposal does not respond appropriately to the rural context and character of the immediate site and its countryside surroundings. The visual impact and the urbanising effect on the countryside are considered to be demonstrably harmful to the appearance and character of the immediate surroundings and the wider countryside setting. The proposal therefore conflicts with the aims and criteria of Policies MD1 (criterion 1) and MD2 (criteria 1 and 2) of the LDP, and Policy DG13 of the Design in Landscape SPG, paragraphs 5.5 and 5.8.1 of TAN12 and having regard to the advice in paragraph 3.9, 3.14, 3.16, 3.38 4.2.24 of PPW (Edition 11), as outlined above.

Amenity space requirement

It was recognised that the original garden was modest in size (approx. 100sq.m), especially in comparison to the size of the dwelling house. Planning permission reference 2020/00990/FUL permits an extension to this garden of approx. 300sq.m (see planning history section). The permitted area is more than sufficient to meet outdoor amenity needs and exceeds the minimum space requirements of the Residential and Householder Development SPG.

The SPG contains minimum standards which aim to ensure adequate amenity provision in new development - and so should not be interpreted as maximum standards in this context. Nevertheless, these demonstrate that the permitted area is acceptable, and so the amenity needs of the occupiers also do not weigh significantly in favour of the development.

Impact on neighbours

The extended garden (as proposed in this application) would not result in any unreasonable overlooking of neighbouring properties or their amenity areas. A residential use would also not result in any inherent unacceptable impacts, such as through noise or disturbance.

A closed board fence has been erected and land adjacent to Mount Pleasant Stable – it does not form part of this application. It is acknowledged that this property is situated on a lower level than the adjacent field. However, the fence concerned does not exceed 2m in height from the ground level of the field, on which it is located. The fence in question does not therefore require planning permission.

Mineral Safeguarding

The land is located within a Limestone Mineral Safeguarding Area. Policy MG22 is relevant when assessing land within Mineral Safeguarding Areas and discourages any development which will prejudice future mineral extraction. However, as residential land surrounds the application site, extraction could not feasibly occur in close proximity to existing dwellings. Therefore, there would be no adverse implications in relation to mineral resource safeguarding.

REASON FOR RECOMMENDATION

The decision to recommend refusal of planning permission and enforcement action 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), SP9 (Minerals), MG22 (Development in Minerals Safeguarding Areas), MD1 (Location of New Development), MD2 (Design of New Development) and MD7 (Environmental Protection) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice in the Council's Supplementary Planning Guidance on Design in the Landscape, Minerals Safeguarding, Parking Standards and Residential and Householder Development and national guidance

contained in Future Wales, Planning Policy Wales (Edition 11, 2021) and Technical Advice Note 12 - Design, it is considered that the proposal fails to respond appropriately to the rural context and character of the site and its surroundings; the use and associated domestic paraphernalia, would have an urbanising effect harmful to the appearance and character of the immediate surroundings and the countryside setting. Refusal of the application and the taking of enforcement action is therefore necessary to remove the harm to the countryside.

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.

DUAL RECOMMENDATION

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.

REFUSE AND AUTHORISE ENFORCEMENT ACTION

It is recommended that:

- (1) The application for planning permission for the change of use of the land be refused.
- (2) That in the event the Committee agree to the following reason for refusal, 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) in respect of the land originally applied for under application 2020/00990/FUL, but excluding the area of land for which planning permission was subsequently granted, to require:
 - (i) The cessation of the residential use of the land,
 - (ii) The removal from the land of the patio, stone, flower borders, timber structures and all other building materials, domestic structures, and paraphernalia.
 - (iii) The reinstatement of the land to its former condition as an agricultural field by the levelling of the land, laying with topsoil and sowing with grass seed.

In the event of non compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

REASON FOR RECOMMENDATION

REFUSE

1. By reason of its depth and area, the rural/agricultural context, and the appearance and open character of the surrounding land, the change of use of the land (along with the associated domestic features and enclosures) has resulted in a visually intrusive incursion into the countryside, which is harmful to its appearance and character. The visual impact and the urbanising effect on the countryside are considered to be demonstrably harmful to the appearance and character of the area, in conflict with the aims and criteria of Policies MD1 (criterion 1) and MD2 (criteria 1 and 2) of the LDP, and Policy DG13 of the Design in Landscape SPG, paragraphs 5.5 and 5.8.1 of TAN12 and having regard to the advice in paragraph 3.9, 3.14, 3.16, 3.38 4.2.24 of PPW (Edition 11).

2021/01086/FUL Received on 22 July 2021

APPLICANT: Mr Will Vaulks Ty R Waun, Cross Common Road, Dinas Powys, CF64 4TP
AGENT: Mr Rob Ware

Ty R Waun, Cross Common Road, Dinas Powys

Substantial demolition of existing dwelling and the creation of a replacement 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 Robertson for the reason of inconsistency as the applicant believes the potential refusal of the application is not consistent with the granting of permission of a much larger house on Sully Road.

EXECUTIVE SUMMARY

The application site relates to a detached dormer bungalow located along Cross Common Road, Dinas Powys, located outside of any defined settlement boundary within the Local Development Plan.

The application, as amended, is for the substantial demolition of the existing dwelling and the creation of a "replacement dwelling". The proposed floor plans clearly show that the existing walls to the ground floor will be largely retained. On this basis, the application is being considered as an extension to the dwelling and not a replacement dwelling. The consideration of this application principally falls under LDP Policy MD12 - Dwellings in the Countryside.

The proposal would include raising the ridge height of the existing property from 5.5m to 8.1m to provide first floor accommodation. The application would also result in a two storey rear extension through the squaring off of the rear elevation and the construction of a new porch. The proposed extended dwelling would measure 15.4m in width, 14.9m in depth and to a height of 5.8m to the eaves and 8.1m to the ridge. The proposed porch would measure 6.1m in width, 2.7m in depth and to a height of 2.5m to the eaves and 4.8m to the ridge.

Letters of support have been submitted by neighbouring properties.

The existing bungalow has limited impact on the rural character of the area when viewed from the adjacent PROW and Cross Common Road. In contrast, the proposal would result in an extended bungalow with the provision of first floor accommodation and two storey rear extension and other alterations and the floor space would be increase from 127.2 sqm of the original dwelling to 416.2 sq m as proposed. Due to the scale of the extensions the original bungalow would subsume the existing bungalow and as such would be wholly disproportionate in size to the original dwelling (bungalow) and by virtue of its greater visual impacts when viewed from the adjacent PROW and to a lesser degree Cross Common Road, would also unacceptably affect the character of the existing dwelling and its contribution to rural character and have a materially greater impact on the landscape. The proposal would therefore be contrary to Policies MD12 (Dwellings in the Countryside),

MD1 (Location of New Development) and MD2 (Design of New Development) of The Vale of Glamorgan Adopted Local Development Plan 2011-2026.

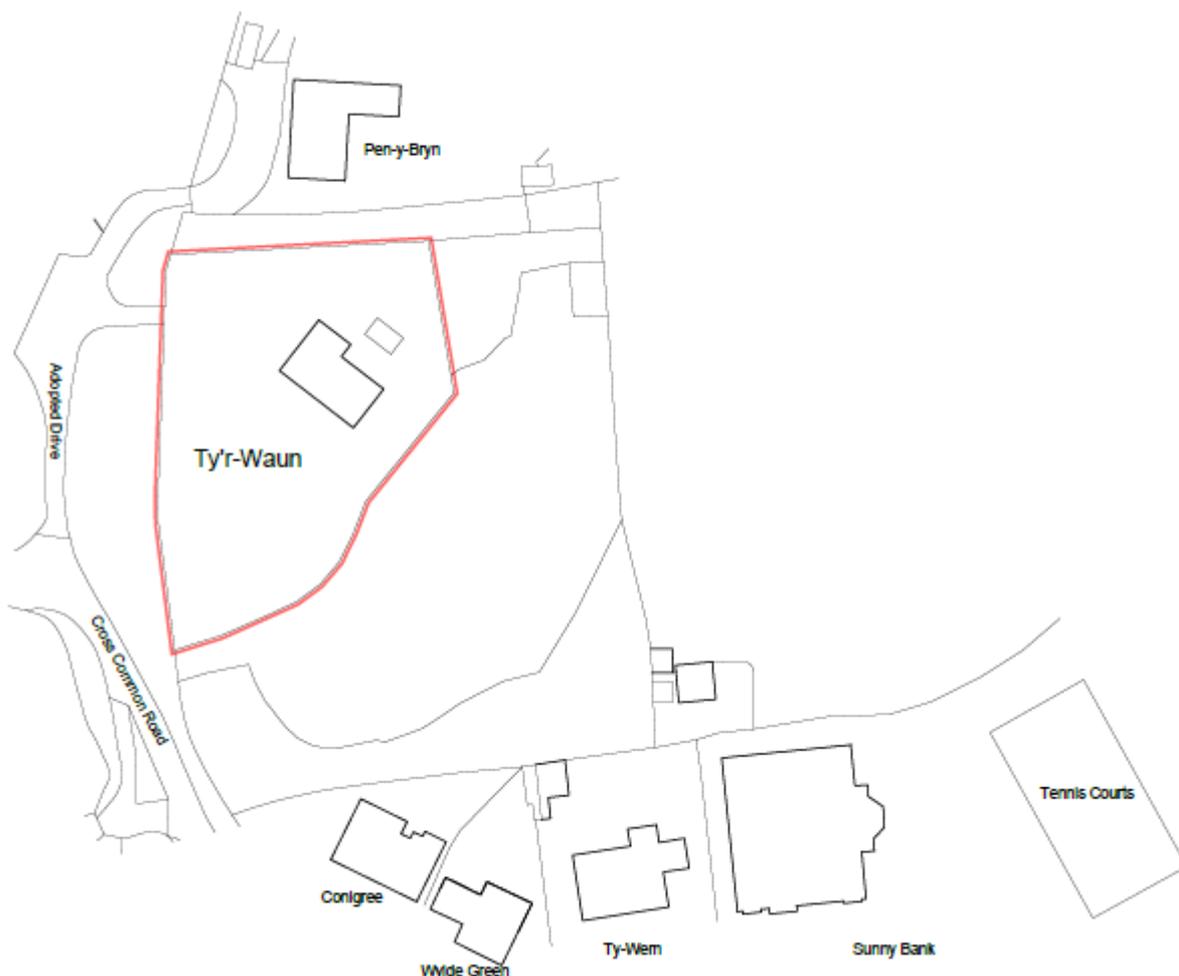
The application is recommended for refusal.

SITE AND CONTEXT

The application site relates to Ty'r Waun, a detached, extended dormer bungalow located off Cross Common Road. The property is located some 240m to the east of the Dinas Powys settlement boundary and is therefore classed as countryside. The application site is largely enclosed by mature trees and hedgerow resulting in relatively limited visibility from Cross Common Road.

The property is set back from the road at a slightly higher ground level and benefits from off-road parking and a large side / rear garden. The property is accessed via a shared private drive which also serves the adjacent bungalow of Pen-y-Bryn to the north

The property is located within a minerals safeguarding area for limestone. A Public Right of Way (PROW) runs to the west of the site adjacent to the private access. The PROW Bridleway (s1/45/1) links Cross Common Road to Longmeadow Drive, via Sunny Croft Lane.



DESCRIPTION OF DEVELOPMENT

The application, as amended, is described as the substantial demolition of the existing dwelling and creation of a new replacement dwelling.

The proposal would include raising the ridge height of the existing property from 5.5m to 8.1m to provide first floor accommodation. The application would also result in a two storey rear extension through the squaring off of the rear elevation and the construction of a new porch.

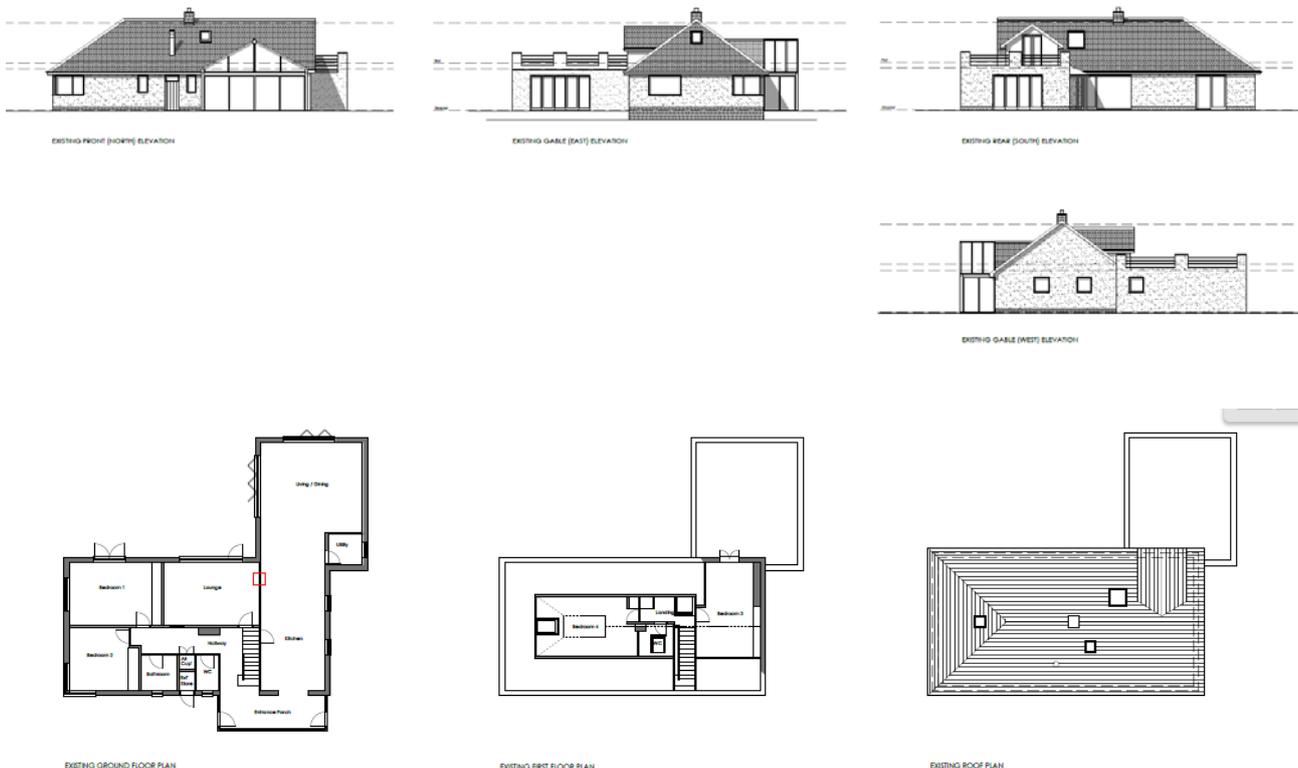
The proposed extended dwelling would measure 15.4m in width, 14.9m in depth and to a height of 5.8m to the eaves and 8.1m to the ridge. The proposed porch would measure 6.1m in width, 2.7m in depth and to a height of 2.5m to the eaves and 4.8m to the ridge.

From working out the floor space of the original dwelling, without the porch, single storey rear extension and dormer loft conversion, it is noted that the floor space would be increase from 127.2 sqm to 416.2 sqm.

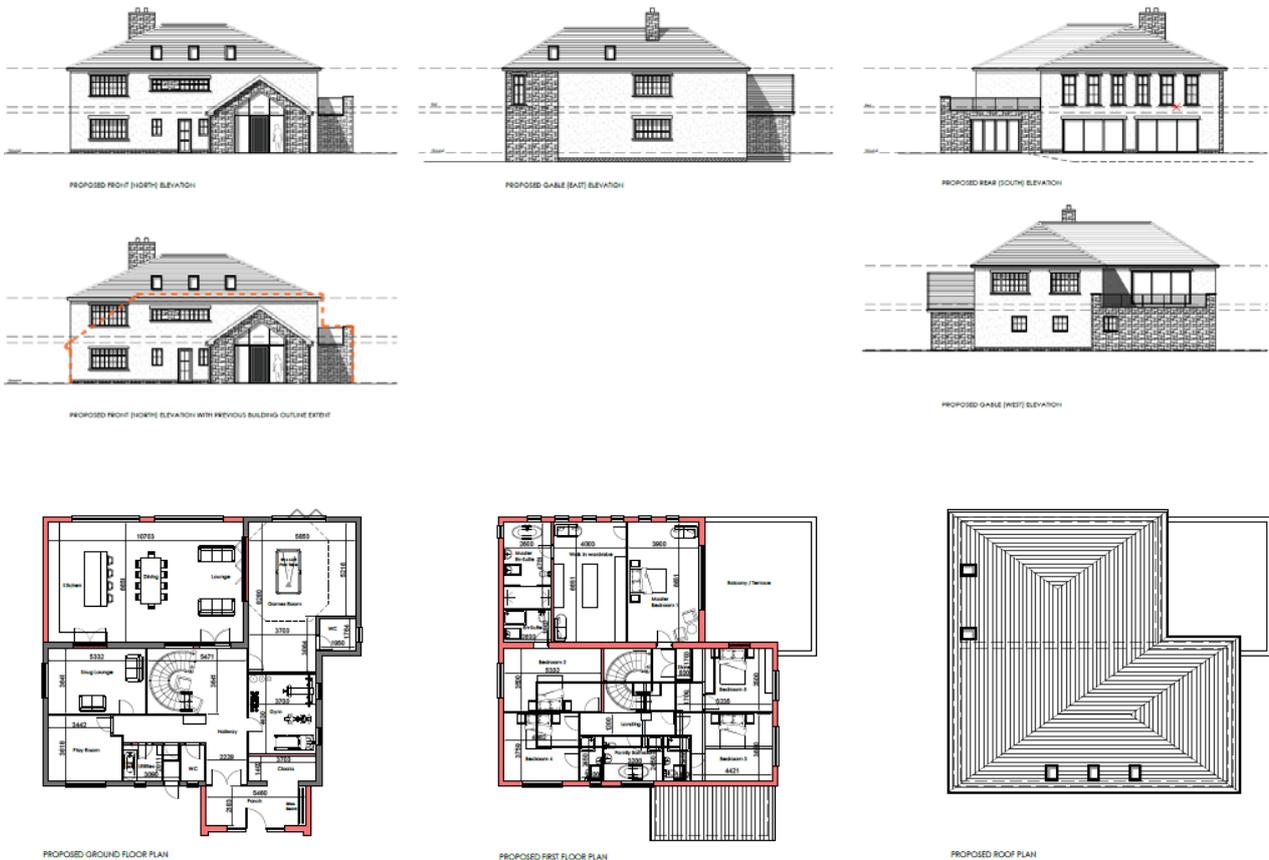
The retained parts of the building and the proposed extensions will be rendered in white, smooth render and light stone cladding to provide feature façades. The existing roof will be removed and a new roof will be provided over the extended two storey dwelling using grey composite rooftiles. The existing timber frame windows and doors will be replaced with new black PPC aluminium frame systems, together with black fascia's, soffits and gutters. Stone heads and cills will frame the new windows.

Plans of the existing and proposed dwelling are shown below;

Existing;



Proposed;



PLANNING HISTORY

1996/00940/FUL, Address: Land forming part of Ty Y Waun, Cross Common, Dinas Powys, Proposal: Conversion of existing building to one bedroom cottage, Decision: Refused.

2009/00167/FUL, Address: Tyr Waun, Cross Common Road, Dinas Powys, Proposal: Retention of extensions to dwelling and detached garage, Decision: Approved;

2015/01490/OUT, Address: Tyr Waun, Cross Common Road, Dinas Powys, Proposal: Demolition of existing garage and construction of a new dormer style bungalow, Decision: Refused;

CONSULTATIONS

1. Dinas Powys Community Council were consulted on 11 August 2021 and a response was received which stated no objection to the application.
2. Dinas Powys Ward members were consulted on 11 August 2021 and a response was received from Cllr Robertson who has called the application into planning committee on the reason of inconsistency.

REPRESENTATIONS

The neighbouring properties were consulted on 6 September 2021 and a site notice was also displayed on the 27th August 2021.

One letter of representation has been received from the neighbouring property (to the north) and is summarised below;

- No objection to planning application and fully support the application.
- Property has been empty for two years
- is a perfectly acceptable development, permission has been granted locally for similar development which are far more conspicuous to the public.

In addition, a petition in support of the application was also signed by 12 occupiers of properties on Cross Common Road, on the grounds that the proposal would have no discernible effect on the signatories or the surrounding area.

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 Growth Policies:

POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD12 - Dwellings in the Countryside

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.

Policy 4 – Supporting Rural Communities

- Supports sustainable and vibrant rural communities.

Policy 5 – Supporting the Rural Economy

- Supports sustainable, appropriate and proportionate economic growth in rural towns.
- Supports development of innovative and emerging technology businesses and sectors to help rural areas unlock their full potential, broadening the economic base and creating higher paid jobs.

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
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

3.10 In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important.

3.14 Site and context analysis should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment. The analysis process will highlight constraints and opportunities presented by existing settlement structure and uses, landscape, biodiversity, water environment, movement, infrastructure, materials and resources, soundscape and built form which will need to be considered when formulating proposals.

3.16 Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected.

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)

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.

6.16 The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted.

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). 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:

- Design in the Landscape
- Minerals Safeguarding (2018)
- 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

Design and visual impact

Policy MD2 Design of New Developments of the Local Development Plan 2011-2026 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.

The application is described as the substantial demolition of the existing dwelling and creation of a new replacement dwelling. The proposed floor plans clearly show that the existing walls to the ground floor will be largely retained, albeit with some alterations. Moreover, the application has been made in terms of an extension, based on the fee submitted. On this basis, the application is being considered as an extension to the dwelling and not a replacement dwelling.

The consideration of this application principally falls under LDP Policy MD12 Dwellings in the Countryside. This is a two part policy which has separate criterion dependant on whether the proposal is for a replacement dwelling and extensions to dwellings, in the countryside. This application is being treated as an extension for the reasons explained above, but even if it were a replacement dwelling, criteria 3 permits these where: "the replacement dwelling would, by reason of its scale, siting, design and materials, landscaping and external appearance, be compatible with the surrounding built and natural environment and have no materially greater impact on the landscape".

In relation to extension to dwellings, LDP Policy MD12 states that extensions to dwellings in the countryside will be permitted if the dwelling as extended:

1. *Is not disproportionate in size to the original dwelling,*
2. *Would not unacceptably affect the character of the existing dwelling and its contribution to rural character; and*
3. *Would have no materially greater impact on the landscape.*

In respect of the original dwelling, planning application ref. 2009/00167/FUL clearly shows that the original dwelling was a single storey hipped roof bungalow with ground floor accommodation. The 2009 consent approved a pitched roof dormer, gabling off of one plane of the hipped roof, glazed timber porch and a flat roof extension with terrace area to the rear. That consent was implemented and represents the existing dwelling.

The floorspace of the original dwelling was 127.2 sq m and the proposed extension would not only extend the previously extended footprint of the dwelling, but also provide full first floor accommodation over the majority of the extended ground floor footprint, resulting in an extended dwelling of 416.2 sq m.

Whilst percentage floorspace increase does not always directly correlate to the same level of increased impacts, the additional accommodation has been provided by way of the creation of a whole new first floor level over the extended footprint and by increasing the wall plate to an eaves height of 5.8 m. In particular, the ridge has been increased in height from 5.5m to 8.1m. Furthermore, the proposal also seeks to introduce a large two storey extension on the rear elevation, some 6.9m in depth by a width of some 11m. Moreover, the roof over this two storey extension is of the same eaves and ridge height of the extended roof form over the main part of the extended dwelling. Therefore, the overall size and scale of the dwelling will be significantly larger and more visually prominent when viewed from public vantage points in this countryside location.

In the Supplementary Planning Statement, submitted in support of the application, it states in para 10 that:

The little that would remain of the original dwelling would be subsumed within the new structure. No aspect of the existing bungalow would be recognisable externally when the new dwelling was complete. The appearance of the structure on site would thus be completely transformed, and would substantially be comprised of new-build.

The above statement succinctly summarises the impacts of the proposal on the existing bungalow, in that the existing bungalow would be wholly subsumed by the extension of the footprint with the creation of full first floor accommodation, where very little of the original bungalow would be retained. The plan below shows the outline of the original bungalow hatched and noting most a significant portion of that is roof.



PROPOSED FRONT (NORTH) ELEVATION WITH PREVIOUS BUILDING OUTLINE EXTENT

In addition to the above, the proposed porch is of a significant size (6.1m in width and 2.7m in depth) which further adds to the bulk and massing of the extended dwelling.

Whilst it is recognised that the existing bungalow does not have any particular architectural merit, it nevertheless represents a simple bungalow that forms part of the rural character of the area, which, as considered in detail below, has limited impact on the rural character of the area.

On this basis, the scale of the changes proposed to the bungalow are so great, that the original dwelling would be unrecognisable externally and the proposal would clearly be disproportionate in size to the original dwelling, contrary to Criterion 1 of Policy MD12.

Criterion 2 states that the extended dwelling would not unacceptably affect the character of the existing dwelling and its contribution to rural character.

The site is separated and set back from Cross Common Road, and accessed via an unmade drive, which also serves the bungalow to the north, and also forms part of Bridleway (s1/45/1). When viewed from Cross Common Road, due to the unmade nature of the shared private access and the location of the bungalow within the plot (set back some 50m) from the road, there is very little impact from the existing bungalow, where only the topmost part of the gable of the dormer can be glimpsed through the trees. Moreover, the property is not readily visible when viewed from the road at the junction with the shared access drive. As such when viewed from Cross Common Road, the existing dwelling, largely due the fact that it is a bungalow has a negligible impact.

When viewed from the adjacent PROW next to the private shared access, the entrance into the property is clearly visible, as is that of the bungalow to the north (Pen-y-Bryn) and the bungalow within the application site is visible, although being single storey and low lying, only the upper part of the side elevation gable is visible. Both the application site bungalow and the bungalow to the north (which has itself been extended) have low to moderate impacts on the rural character of the area, but their impacts are limited to views from the PROW and in any case do not dominate the largely rural character of the PROW.



View from private access / PROW (Pen – y – Bryn to left and application dwelling to right)

When travelling eastwards from the settlement of the Dinas Powys along Cross Common Road, the site entrance is some 240m away from the settlement edge. As stated above, there is no perception for users of the highway that there is a dwelling within the site. It is only when your travel further east and around the corner (some 50 m further on) that a group of dwellings become visible. Notably there is no visual relationship of these group of houses and the application property. It is accepted that these dwelling are close, but they are distinctly separate from the application dwelling and do not form the immediate context of the application site. In any case this group of four dwelling are all varying forms of dormer bungalow, very different to the resulting two storey dwelling proposed within this application.



PROPOSED GABLE (WEST) ELEVATION



EXISTING GABLE (WEST) ELEVATION

When viewed from the PROW, the change to the most visible side (west) elevation (illustrated above) would be a significant, by raising the height of the gable to provide full first floor accommodation and the increase in ridge height from 5.5m to 8.1m.

Notwithstanding the increased massing over the footprint of the original bungalow, the scheme also seeks to introduce a large two storey extension on the rear elevation, some 6.9m in depth by a width of some 11m. Moreover, the roof over this two storey extension is of the same eaves and ridge height of the extended roof form over the main part of the extended dwelling, continuing the bulk and massing of the extended ridge.

The significant increase in height together with the two storey rear extension would increase the scale and massing of the dwelling, and would markedly increase its prominence and visibility from the Public Right of Way and would be significantly larger than the neighbouring property. As referenced within the planning statement, the bungalow would be unrecognisable due to the scale of alterations and extensions. The proposal would have a completely new impact on site and would appear as a replacement dwelling,

Notably, when viewed from Cross Common Road, only the very top part of the existing bungalow is visible, by virtue feature of the significant increase in height and the provision of full first floor accommodation and rear projecting two storey extension, the proposed extended dwelling would be now be more visible from Cross Common Road, when viewed through the trees, which form the boundary of the rear garden with the road. Furthermore, during winter months and reduced foliage, the proposed extension and alterations will be even more visible from Cross Common Road. It is considered that there would be a notable change in visual impact from the existing situation of negligible to moderate/ adverse as proposed.

Criterion 3 of Policy MD12 requires that replacement dwellings have no materially greater impact on the landscape. This policy requirement does not prohibit development on a larger scale than existing; however, clearly there is a policy expectation that replacement dwellings should not be disproportionate in size to the original, as referred to in the supporting text of policy in the LDP. The supporting text also states that it should not be of a scale that would materially affect the residential character of properties in the area.

While the proposal has been reduced in height following the submission of amended plans, the proposal still represents a large two storey dwelling that would more than triple the original footprint, from 127.2 sqm to 416.2 sqm. Given the context of the site and wider locality, the introduction of a large two storey dwelling would not be in-keeping with this part of Cross Common Road, noting the character and scale of the isolated group of dwellings along this road which form part of the landscape. Having regard to criteria 3 of MD12, the proposal would have a materially greater impact upon the landscape due to its overall scale, form and mass, and therefore the proposal as whole is contrary to all of the criterion within the Policy MD12.

To conclude, in respect of visual impacts, the proposal is considered contrary to LDP policy MD12 - Dwellings in the Countryside and due to the unacceptable impact on the countryside would also be contrary to Policy MD1 – Location of New Development. Furthermore, as the proposal would not positively contribute to the context and character of the surrounding area and would not respond appropriately to the local context and character of neighbouring buildings, it would also be contrary to Policy MD2 – Design of New Development.

Impact on neighbours

Having regard for the neighbouring properties, the property in closest proximity to the site is Pen Y Bryn to the north. The proposal would result in an increased massing of the application site due to the introduction of the first floor and the new roof. However, the property would be set off the boundary by approximately 11m and would be 22m from the side elevation of Pen Y Bryn.

While the property would be visible from Pen Y Bryn, it is not considered to result in an overbearing impact upon the neighbours and is considered acceptable. It is also noted that representation has been received by the neighbour in support of the application.

With regard to neighbouring properties along Cross Common Road, the application site would be screened by the existing hedgerow and would be approximately 60m off the boundaries. The proposals are not considered to impact upon their residential amenity and it is also noted that a petition has been submitted by the neighbours to express their support for the application.

Amenity space and parking

The application site benefits from a large curtilage and driveway, which would be retained by the proposal. The amenity space would significantly exceed the requirement set out within the Residential and Householder SPG with over 1000sqm of amenity space. The existing driveway also provides parking for three cars and is in accordance with the Parking Standards SPG. It is noted that given the location of the dwelling outside of a settlement boundary, the parking provision on site is considered acceptable.

Minerals

While the proposal would increase the floor space of the dwelling, the proposal would not prejudice the extraction of the wider limestone resource in the area and would not likely be viable for extraction and any extraction would impact on the amenities of the existing and neighbouring occupiers.

Other Matters

Representations have suggested that LDP Policy MD12 has been applied inconsistently and other large extensions and replacement dwellings have been approved elsewhere. Whilst it is accepted that other extensions and replacement dwellings have been approved under this policy, those cases were materially different in terms of their context and impact on the surrounding landscape and cannot reasonably be considered comparable with this application.

RECOMMENDATION

REFUSE

1. By virtue of the scale, design and form of the extensions and alterations proposed to the existing bungalow, the resulting two storey dwelling would significantly harm the character of the original bungalow and would be wholly disproportionate in size to the original dwelling. Moreover, given the prominence of the site from the

adjacent PROW, the introduction of a large two storey dwelling in place of the existing bungalow would not be in-keeping with this part of Cross Common Road noting the character and scale of the dwellings along this road which form part of the landscape and rural character of the area. The proposal is therefore considered contrary to Policies MD12 (Dwellings in the Countryside), MD1 (Location of New Development) and MD2 (Design of New Development) of The Vale of Glamorgan Adopted Local Development Plan 2011-2026, Supplementary Planning Guidance on Residential and Householder Development (2018), Planning Policy Wales (Edition 11, 2021) and Technical Advice Note 12 – Design (2016).

REASON FOR RECOMMENDATION

The decision to recommend planning permission be refused 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.

2021/01105/RG3 Received on 27 July 2021

APPLICANT: Ms Kelly Williams 21st Century Schools Programme Manager, Civic Offices, Holton Road, Barry, CF63 4RU

AGENT: Mr Nathan Slater Vale of Glamorgan Council, Dock Offices, Subway Road, Barry, CF63 4RT

Court Road Depot, Barry Road, Barry

Proposed Pupil Referral Unit (PRU) School and associated works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's constitution because the application is of a scale and nature that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

This is a full application for a proposed Pupil Referral School Unit and associated works at Court Road Depot, Barry. This type of school falls under the wider remit of the Council's Education Department to provide Additional Learning Needs (ALN) Schools within the Vale of Glamorgan as part of the 21st Century Schools Programme. The new school is referred to as the Centre for Learning and Well-being (CLWB).

The application involves the demolition of the existing buildings on site, together with the provision of a new two storey Pupil Referral School building, capable of accommodating 70 pupils and 21 members of staff. The new building would be located in the mid-western section of the site, located adjacent to Jenner Park Athletics Stadium. Vehicular access would be achieved via the existing access points off Barry Road with improvements and upgrades included as part of the proposals, and this would lead to a staff parking area comprising 20 parking spaces (including 2 disabled spaces and 3 EV charging bays). Pupil drop off and pick up would take place within the site, to the northern section of the proposed building and to the west of the proposed car parking area.

The main issues involved in the assessment of the application are the principle of development, scale, design and visual impact of the proposal, impact on residential amenity, highways issues (including parking and traffic generation), ecology matters, sports pitch/open space provision and drainage.

One letter of representation has been received querying the demolition of a building neighbouring their property and also the process of a Party Wall Agreement should demolition take place. No objections have been raised at the time of writing this report.

The application is recommended for approval, subject to conditions.

SITE AND CONTEXT

The application site is Court Road Depot, Barry. The site measures approximately 1.48ha and currently accommodates the Council's Parks, Cleansing and Recreation functions and services. The site is made up of areas of hardstanding for parking, storage and buildings (including permanent structures and semi-permanent structures such as shipping

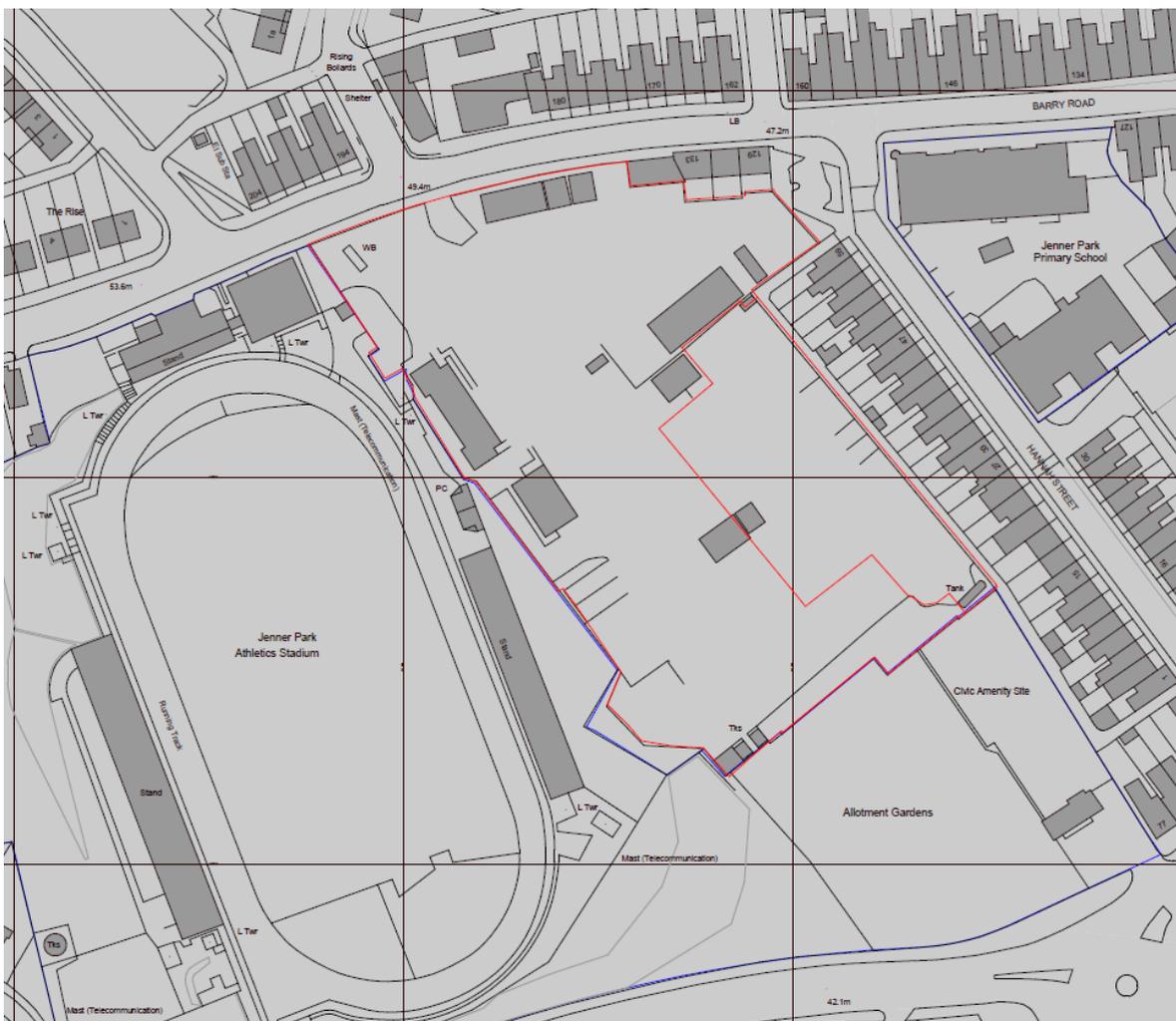
containers). It will constitute brownfield land (once vacated) and is located within the Settlement Boundary of Barry, as defined by the adopted Vale of Glamorgan Local Development Plan (LDP). The site is also identified as a housing allocation under Policy MG2(14) of the adopted LDP.

Existing vehicular access to the site is gained via Barry Road to the north. There is a one way traffic system through the site with a point of entry from Barry Road, and a separate point of exit.

The site is located within a predominantly residential context, with dwellings immediately to the north and east of the site. Directly to the southern extent of the site comprises allotment gardens and to the west, Jenner Park Athletics Stadium. The wider land edged in blue depicts other land in the ownership of the Council.

To the south-east of the site, there is a new housing development which was constructed under permitted development rights which were introduced by Welsh Government during the pandemic. This is the subject of a separate pending application, seeking permanent retention of the 11 interim accommodation units to address homelessness (planning reference 2021/01284/RG3).

The site is depicted in its context on the plan below:



DESCRIPTION OF DEVELOPMENT

The application proposes the demolition of the existing buildings on site and the construction of a new Pupil Referral Unit (PRU) School with associated landscaping and sports facilities. In detail, the development/layout comprises:

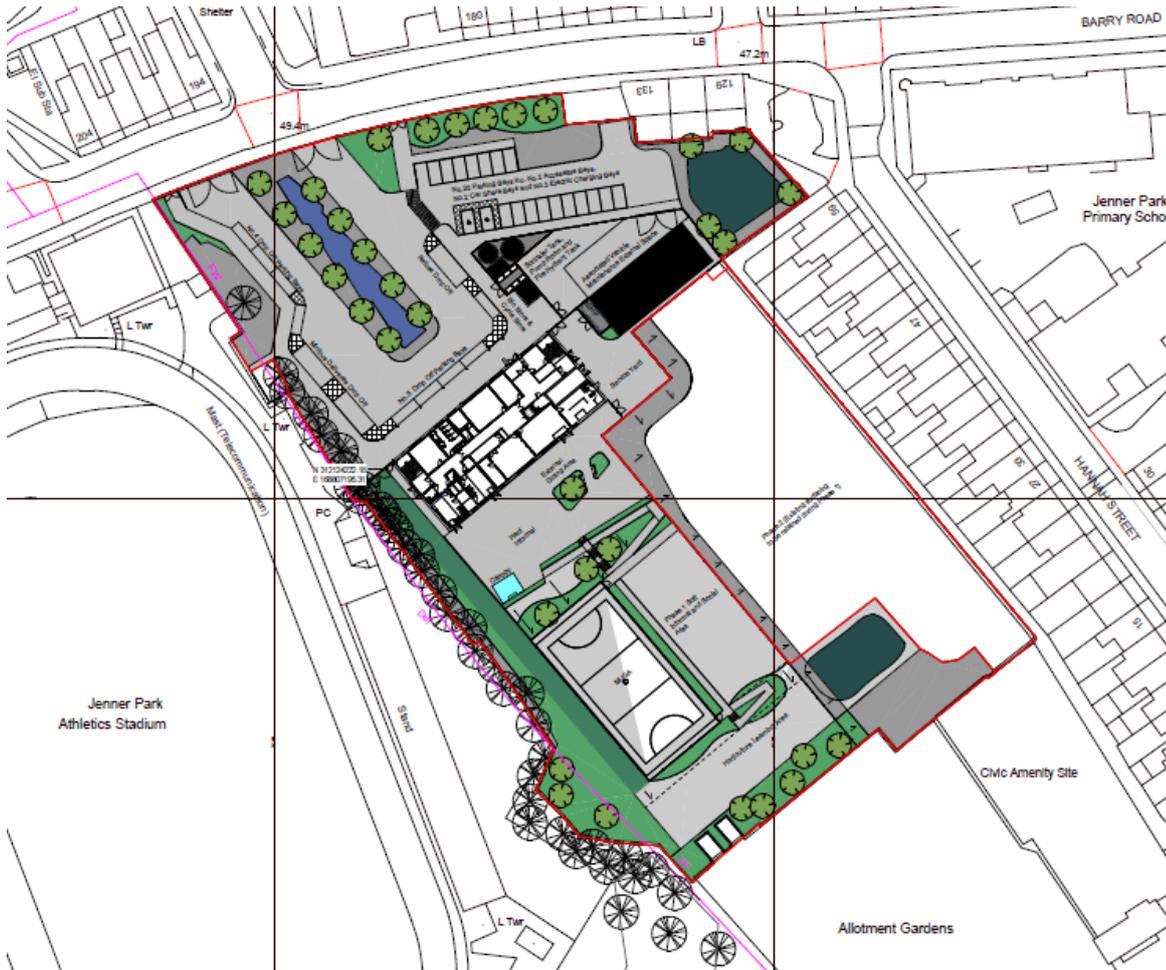
- A new Pupil Referral School, to be constructed to the mid-western section of the site. The building would be two storeys in height. The school will accommodate up to 70 pupils and 21 members of staff.
- A new car park to the north of the school, including 20 car parking spaces (2 disabled car parking bays and 3 electric vehicle charging bays), space for 9 drop off parking bays and 2 minibus delivery drop offs, together with cycle storage.
- A dedicated gated pedestrian and cycle access.
- An all-weather Multi-Use-Games Area located to the southern extent of the site.
- SuDS basin to the north eastern section and a second to the southern extent of the site and a swale invert to the northern section of the site in the central island.
- Informal soft and hard landscaping is proposed throughout the development site layout.

The proposal seeks to demolish all existing buildings on site, with the exception of the recently constructed vehicle maintenance building (to the west), which will be retained and used as a vocational learning space.

Vehicular access would remain from the same point on Barry Road with improvements and upgrades included as part of the proposals, including widening the site frontage to a 3.5m footway.

Whilst it is noted in the application supporting documentation the site is split into two phases, this application is solely for Phase 1 of the development site. Whilst there is a designated area for a future Phase 2 (to south eastern extent), no details have been provided at this stage.

The plan below shows the proposed site layout:



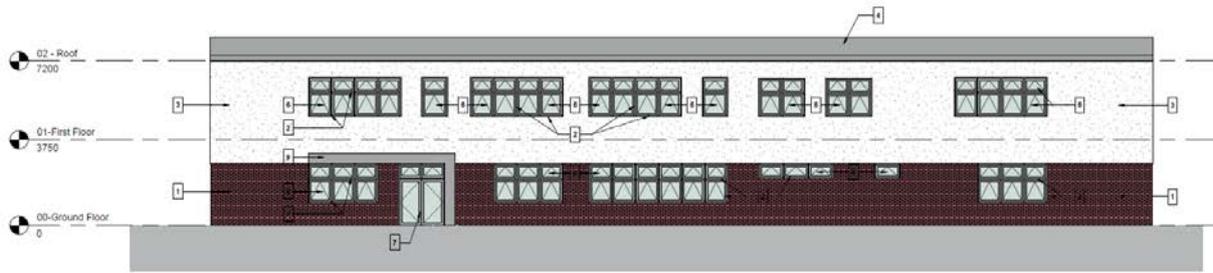
The outdoor spaces comprises a Multi-Use Games Area (MUGA), a hard surfaced informal social area to the rear of the proposed school building and a phase 1 soft Informal social area. A horticultural area is also sited to the very rear of the site, adjacent to the neighbouring allotments on the southern boundary.

The proposed school building would be two storeys in height and rectangular in shape. It measures approximately 7.4m in height to the eaves and 8.2m to the ridge. It will measure approximately 41.1m in length and 8.2m in width. It has a broadly conventional form, with gable ends and a shallow pitched roof. The building would be finished in a relatively conventional palette of materials, comprising principally dark grey metal cladding to the roof and other feature elements (such as windows and doors), with red brick facing to the ground floor and white insulated render at first floor level.

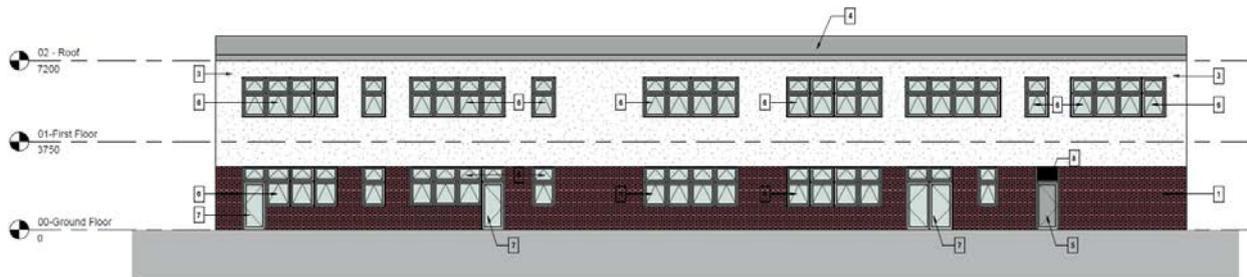
The proposed building will accommodate 8 classrooms, specialist teaching areas including art/tech, food tech and science, together with a dining hall and fitness suite and studio, learning resources and staff and admin needs such as staff rooms, reception areas, meeting rooms and training areas.

Operational hours of the site will include Monday – Friday 08:00 – 17:00.

The building is shown on the plans below:



Coloured North-West Elevation
Scale: 1: 100



1996/00379/FUL, Address: Jenner Park, Barry Road, Barry, Proposal: New football stand, Decision: Approved;

2003/00123/FUL, Address: Jenner Park Stadium, Barry Road, Barry, Proposal: Installation of one (1no.) 3dB colinear antenna with associated equipment cabin on building within Jenner Park, for the Royal National Lifeboat institution (RNLI), Decision: Approved;

2006/01276/FUL, Address: Barry Town AFC, Jenner Park, Barry, Proposal: External alterations including new entrance, Decision: Approved;

2007/01769/RG3, Address: Court Road Depot, Barry, Proposal: Single storey modular building, Decision: Approved;

2012/00176/PND, Address: Court Road Depot, Vale of Glamorgan Council, Barry Road, Bar, Proposal: Demolition of 5 no. single storey detached buildings once used as stores, Decision: Approved;

2012/00498/RG3, Address: Court Road Depot, Vale of Glamorgan Council, Barry Road, Bar, Proposal: Single storey modular/demountable building at Court Road Depot to replace existing facilities for Waste Management Staff on the premises, Decision: Approved;

2012/01264/PND, Address: Court Road Depot, Vale of Glamorgan Council, Barry Road, Bar, Proposal: Demolition of the superstructure of the 2-storey Jeans Factory building to ground floor (slab) level, Decision: Approved;

2014/01398/PND, Address: Court Road Depot, Barry Road, Barry, Proposal: To demolish a two storey brick building with slate roof presently used as a site storage facility, Decision: Withdrawn;

2015/00877/RG3, Address: Court Road Depot, Barry Road, Barry, Proposal: Demolition of two storey buildings and new build of three storage units, Decision: Approved;

2016/00015/PND, Address: Court Road Depot, Barry Road, Barry, Proposal: Demolition of two storey brick building, Decision: Withdrawn;

2016/00075/PND, Address: Court Road Depot, Barry Road, Barry, Proposal: Demolition of single storey brick building, Decision: Withdrawn;

2021/01284/RG3, Address: Land at Court Road Civic Amenity Site, Proposal: Retrospective application for 11 interim accommodation units to address homelessness, Decision: Pending;

CONSULTATIONS

Barry Town Council were consulted on 16 August 2021. A response was received on 3 September 2021 confirming no objection subject to the satisfaction of the Vale of Glamorgan Planning and Highway departments in terms of both highway and pedestrian safety.

Highway Development were consulted on 16 August 2021. A response was received on 12 November 2021 confirming the access proposals are acceptable and noting the proposed use is likely to result in an overall reduction in traffic movements to/from the site, no objection subject to the attachment of a condition to provide a scheme for the extension of double yellow lines (TRO) From Barry Road and into Cornwall Road and a new uncontrolled pedestrian crossing point complete with dropped kerbs and tactile paving should be provided.

Councils Drainage Section were consulted on 16 August 2021. To date, no response has been received at the time of writing this report.

Dwr Cymru Welsh Water were consulted on 16 August 2021. A response was received on 3 September 2021 confirming no objection subject to advisory notes.

Ecology Officer were consulted on 16 August 2021. A response was received on 4 October 2021 confirming no objection subject to conditions.

Ward Members were consulted on 16 August 2021. To date, no response has been received at the time of writing this report.

Natural Resources Wales were consulted on 16 August 2021. A response was received on 3 September 2021 objecting on the grounds of inadequate information being provided to support the proposal. Since the response had been received a technical note had been submitted to NRW addressing their concerns. An updated response was received on 24 September 2021 confirming continued concerns, however they are satisfied these concerns can be overcome by attaching a series of conditions (Conditions 18, 19 and 20 refer).

Contaminated Land, Air & Water Quality were consulted on 16 August 2021. A response was received on 17 August 2021 confirming no objection subject to conditions on ground gas protection and contaminated land measures and advisory notes (Conditions 13, 14 and 15 refer).

South Wales Police were consulted on 16 August 2021. To date, no response has been received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were consulted on 16 August 2021. To date, one letter of representation has been received querying the demolition of a building neighbouring their property and also the process of a Party Wall Agreement should demolition take place.

A site notice was also displayed on 31 August 2021 and the application was advertised in the press.

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 SP3 – Residential Requirement
POLICY SP4 – Affordable Housing Provision
Policy SP7 – Transportation

Managing Growth:

Policy MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG2 – Housing Allocations
POLICY MG4 – Affordable Housing
POLICY MG6- Provision of Educational Facilities
POLICY MG7- Provision of Community Facilities
Policy MG16 – Transport Proposals

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD5 - Development within Settlement Boundaries
POLICY MD7 - Environmental Protection
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. 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.

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
- Accessibility
- Previously Developed Land

Paragraph 3.43 recognises that *'In developing their spatial strategy planning authorities must prioritise the use of suitable and sustainable previously developed land and/or underutilised sites for all types of development. When identifying sites in their development plans planning authorities should consider previously developed land and/or underutilised sites located within existing settlements in the first instance with sites on the edge of settlements considered at the next stage. It is recognised, however, that not all sites of this nature are suitable for all types of development.'*

Furthermore, at Paragraphs 3.45 – 3.46 emphasises *'The evidence to identify suitable areas and sites for development should not be confined by local authority boundaries. It should reflect realities like housing markets, travel to work areas, retail catchments and the nature of activity or development itself. This will ensure that the best use is made of previously developed land and the loss of greenfield sites is minimised... Locational and site choices will also need to be made within the context of an understanding of both economic and market conditions. Consideration should be given to whether specific interventions from the public and/or private sector, such as regeneration strategies or funding, are required to help deliver the strategy and specific development proposals.'*

- Supporting Infrastructure

Paragraph 3.61 refers *'Adequate and efficient infrastructure, including services such as education and health facilities along with transport, water supply, sewers, sustainable waste management, electricity and gas (the utilities) and telecommunications, is crucial for economic, social and environmental sustainability.'*

Chapter 4 - Active and Social Places

- Transport
- Community Facilities

Paragraph 4.02 highlights *'This theme supports and enables the provision of a range of well-designed and located homes which are well connected to existing retail and commercial centres situated at the heart of our communities and job opportunities. It emphasises that when planning and managing future development planning authorities need to ensure that residents of existing and new communities have access to jobs and an appropriate range of community facilities including recreation, leisure, health and education. It promotes retail and commercial centres as hubs, for a range of activities, recognising their social, cultural and economic importance. It acknowledges the significance of community facilities and recreational spaces for our health, well-being and quality of life and specifically protects and promotes these uses in line with the overarching national sustainable placemaking outcomes.'*

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 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

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)
- Parking Standards (2019)
- Sustainable Development - A Developer's Guide
- Travel Plan (2018)

- Trees, Woodlands, Hedgerows and 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

Background and Principle of Development

As aforementioned, the Pupil Referral Unit is a type of school that falls under the wider remit of the Council's Education Department to provide Additional Learning Needs Schools within the Vale of Glamorgan. The 21st Century Schools Programme is a long-term strategic investment in educational estate throughout Wales and is a unique collaboration between Welsh Government, the Welsh Local Government Association (WLGA), local authorities, colleges, and diocesan authorities. The Programme aims to provide long-term social, environmental and economic benefits to schools and the wider community. The new school is referred to as the Centre for Learning and Well-being (CLWB) and forms part of the programme aims to deliver a range of community benefit targets, set as part of the procurement process. The Council therefore has a statutory duty to deliver these types of benefits as part of the 21st Century Schools Programme and in these terms, the development proposal is considered an exceptional circumstance.

The application site accommodates Court Road Depot, which comprises brownfield development that is Council owned land. It currently houses the Council's Parks, Cleansing and Recreation functions and services. Whilst it serves as an employment site, the application site is identified within the adopted Vale of Glamorgan Local Development Plan (LDP) as a housing allocation for up to 50 units under Policy MG2(14). Therefore, the loss of an employment site has been fully assessed and considered during the LDP Examination and was deemed acceptable in principle through the adoption of the development plan. However, the site's allocation was based on the delivery of housing, therefore the loss of the 'housing' site for educational purposes requires further assessment, which is discussed in turn below in the following paragraphs.

Policy SP3 identifies a housing requirement of 9,460 dwellings for the Plan period. In respect of the proposed redevelopment of the site for educational uses, the alternative use would inevitably result in the loss of a source of housing land allocated within the LDP to meet the housing requirement of 9,460 dwellings for the Plan period (Policy SP3) and the Court Road Depot allocation is one of 48 housing sites allocated under Policy MG2 to provide some 8,525 dwellings towards the overall housing supply.

The LDP sets out the policy framework for the delivery of the identified requirement, alongside the inclusion of a 10% margin for flexibility to ensure the availability of a range and choice of housing land throughout the Plan period. Adding to this, Policy SP4 emphasises that the delivery of affordable housing is also a key objective of the LDP Strategy, with the relative strength of the Vale of Glamorgan's housing market over the last 10 years. It sets a requirement for up to 3,252 affordable homes to be delivered during the plan period. Alongside the site identified, Policy MG1 identifies allowances for contributions from windfall development (unallocated sites) over the plan period. Within this context, the redevelopment of the Court Road Depot housing allocation would equate to a loss of 0.5% of the 8,525 dwellings allocated under policy MG2 and as such it is considered that loss of the site to non-residential uses would have a negligible impact on the meeting the LDP housing requirement, particularly when the 10% flexibility allowance is considered.

Furthermore, it is also worth highlighting that in recent years there has been a relatively high number of windfall developments within Barry that have contributed towards meeting the housing requirement and assist in addressing the affordable housing need within the town. This combined with the following windfall sites that have been largely developed by Registered Social Landlords that will contribute 285 dwellings to the housing land supply:

- 2019/01061/FUL: Sea View Labour Club, Dock View Road, Barry 28 dwellings (Newydd – under construction).
- 2019/01062/FUL: Castle Hotel, Jewel Street, Barry 14 dwellings (Newydd – under construction)
- 2019/01060/FUL: The Windsor, 166-170, Holton Road, Barry 18 dwellings (Newydd – under construction).
- 2019/00603/FUL: Land at Hayes Road, Barry 23 affordable dwellings (Pegasus Developments – under construction).
- 2018/01359/FUL: Land East of the Goodsheds, Hood Road, The Innovation Quarter, Barry- 19 market and 23 affordable dwellings (complete)
- 2018/01383/FUL: St. Pauls Church and Hall, St. Pauls Avenue, Barry 31 dwellings (Hafod – under construction).
- 2018/01108/FUL: Land at Subway Road, Barry 72 dwellings (Wales & West – under construction).
- 2018/00913/FUL: Corner Plot Merthyr Street and Belvedere Crescent - 9 dwellings (Newydd - complete).
- 2015/00570/FUL: Woodlands Road, Barry 27 dwellings – complete.
- 2014/01300/FUL: Barry Dock Conservative Club, Station Street, Barry 21 units (Hafod - complete).

Moreover, as previously highlighted, it is also worth noting that 11 dwellings have recently been constructed under the allocation under application ref: 2021/01284/RG3 at Land at Court Road Civic Amenity Site, which also assists to contribution with the overall housing numbers.

In addition to the above, in June 2021 the Council formally commenced its review of the LDP and has produced a review report setting out progress made to date on the LDP, including a review of allocations within the plan. In terms of the Court Road allocation, Appendix 1 of the report acknowledges that the site is being considered for educational uses and as such it is likely that the site would be deallocated as part of the LDP Review alongside other sites that may now not be available or deemed undeliverable.

Consequently, based on the above, it is considered that the redevelopment of the Court Road Depot site would not have a significant detrimental impact on housing delivery.

In respect of the proposed educational facility, LDP Policy MG6 - Provision of Educational Facilities allocates 6 sites to meet the demand for additional school places arising from the planned housing growth and population changes over the plan period to 2026. The policy also indicates that additional need elsewhere would be met through extending or improving existing schools over the plan period. Whilst the proposals in the policy do not identify the need for an additional learning support school such as that now proposed at Court Road as the need has arisen since the adoption of the plan, it nevertheless does acknowledge that additional needs may arise over the plan period. In this regard Policy MG7 Provision of Community Facilities supports the provision of additional community facilities where a need arises stating that:

“... new / enhanced community facilities will be sought in areas where need cannot be met by existing facilities based on the most up to date evidence of need. Proposals which provide new or enhanced multi use community facilities, including the collocation of healthcare, school, library and leisure facilities and other community services in accessible locations will be favoured.”

Policy MD1 Location of New Development sets out the locational principles of the LDP, indicating that new development should assist in reinforcing the role and function of the key settlement of Barry; promote new enterprises, tourism, leisure, and community facilities; wherever possible make beneficial use of previously developed land and buildings; and have access to or promote sustainable modes of transport. In this regard it is considered that the proposal would satisfy Policies MD1 and MG7 as the development would utilise a brownfield site, within close proximity to existing services and facilities, whilst also rationalising existing provision which will provide the opportunity to provide more sustainable travel alternatives to users.

Therefore, whilst the loss of an allocated housing site is regrettable, it is considered that the prevailing housing situation within Barry and within the wider areas of the Vale of Glamorgan is positive and that when weighed against the competing priorities of the Council, the availability of the Council owned land and the location of the site, on balance, the loss of the housing site to the development for a specialist educational school is considered acceptable in principle.

The scheme put forward is an exceptional circumstance as aforementioned and therefore on balance, the negative impacts are outweighed by the positive impacts. However, it is important to note that the acceptability of the proposal rests upon the detail of the scheme together with design and visual impacts, highways safety and accessibility matters, drainage, impacts upon neighbouring amenities, landscaping and public open space together biodiversity matters, which is discussed in turn below.

Design, Layout and Visual Impact

The proposal places a new, two storey school building parallel to the mid-section of the site, on an existing hardstanding area. The proposed building would be in the region of 8.2m tall and, while this is generally taller than the surrounding dwelling houses (to the north and east), it is considered that the building would be of a height that is still visually compatible with the surrounding buildings and uses and not out of character with the wider context (namely the neighbouring Jenner Park Athletics stand). Whilst the building in total

inevitably has a larger footprint and is bulkier in general form than the existing units on site and the nearby neighbouring dwelling houses, that does not render it unacceptable or visually harmful. It would sit within an extremely spacious plot, visually distinct from the nearest dwellings and its general form, while bigger than those buildings to be demolished on site, would not appear incongruous in this context and compatible with its surroundings.

The building would be finished in a relatively conventional palette of materials, comprising principally dark grey metal cladding to the roof and other elements such as windows and doors, with a red brick façade to the ground floor and white render at first floor level which is largely predominant within the surrounding local context and surrounding neighbouring terraced dwellings. The design has been informed by and reflects the 21st Century School programme to develop buildings which achieve BREEAM Excellent. However, to ensure appropriate materials, a condition requiring samples of all materials to be agreed is recommended (see **Condition 3**).

The school car park is proposed at the northern end of the site, adjacent to the site access from Barry Road. The hard and soft play spaces and landscaped areas would be located mainly to the rear of the site, adjacent to the neighbouring allotments. There would be grassed areas which, in addition to the proposed tree planting along the western and eastern boundaries, would soften the overall appearance of the development. A one-way vehicular route through the site layout is also proposed, from which access is provided to a servicing and parent drop off laybys as well as a dedicated school minibus parking space. Within the loop sits the main car parking area for staff and visitors and access to cycle parking.

The Sprinkler Tank, Pump Room, and Fire Hydrant Tank enclosure is a key structure in relation to the existing buildings and the proposed school building. The enclosure will consist of a 3m high timber pale fence. It is considered that whilst it comprises a relatively large structure, it is considered on balance it would not adversely affect the character of the wider area and adapts well with the application site and large grounds within which it sits.

In summary, it is considered the proposal is of an appropriate size, siting and design for its setting and function, which has a pleasant unassuming design. It would sit comfortably in the site and the surrounding context and would add positively to the wider built environment, in accordance with Policies SP1, MD2 and MD5 of the adopted LDP.

Impact on Residential Amenity

Criterion 8 of Policy MD2 requires that new development should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. Additional guidance is contained in the Council's SPG on Residential and Householder Development (2018).

The application site has existing residential development to the north (separated by the adopted highway, Barry Road) and east. Directly adjoining the site boundary to the western extent is Jenner Road Athletic Stadium and allotments situated to the southern extent of the site boundary.

The proposed building would be over 35m away from the nearest dwelling's gardens to the east (along Hannah Street) and over 80m away from the nearest dwellings to the north (together with being separated by the adopted highway). It would be approximately 42m away from the dwelling's gardens to the north (on the southern extent of Barry Road - 129-133 Barry Road) and in excess of 80m to the neighbouring allotments to the south.

Consequently, there is sufficient space with the surrounding dwellings to ensure that the building would not appear as overbearing or unneighbourly. Similarly, it is considered to be small scale in height in comparison to the neighbouring athletic stand of Jenner Park which is 16m from the proposed building. In respect of privacy, the distances between windows on the school and neighbouring windows/gardens to the east and north would comfortably exceed the 21m that is recommended in the Council's Residential and Householder Development SPG. While this is not a residential development, the same principles are relevant and it is considered that the spacing is sufficient to ensure that there would not be appreciable impacts on the privacy of neighbouring occupiers.

There would be two windows at first floor level on the north-east side elevation facing towards the rear dwellings of residents along Hannah Street, however, one window would serve a circulation area/corridor, the other a sensory calming room. In light of this, given the separation distance, together with having regard to the operational times of the school, it is considered these windows would not unreasonably impact upon the privacy of neighbours along Hannah Street. Furthermore, there is a single window on the western elevation of the building that faces the athletic stadium. Given this window also serves a stairwell, together with facing the athletic stand, it is considered acceptable and there will be no harmful impacts created as a result of the development.

There would be a level of noise emanating from the site when operational, particularly as a consequence of break times and outdoor sport, however, this would not be to a level which would unacceptably impact upon residential amenity (given the nature/level of the noise and the operational daytime hours of the school).

A Construction Environmental Management Plan condition is recommended, to minimise impacts during the construction phase (see **Condition 5**).

Subject to the above condition, it is considered that the development would not adversely impact upon residential amenity, in accordance with policies MD2 and MD7 of the LDP.

Highway Safety

The proposed site access and parking layout is shown on the plan below:



The new school would be accessed at essentially the same point as the existing Council services site, to the northern extent of the site, via an established one-way system. The proposals seek to maintain and improve the existing access and egress, including the demolition of the solid block walls along the site frontage and replacement with 1.8m high mesh fencing. That access point is considered safe and drivers would benefit from good visibility in both directions along the highway when exiting and entering. Swept path analysis drawings have been submitted to demonstrate this.

In addition, a TA has been prepared by AECOM in respect of the proposed development and submitted as part of this application.

The proposed development would result in the following traffic generation within the highway network:

- AM Peak (08:00-09:00) = 20 two-way vehicle movements
- School PM Peak (15:00-16:00) = 21 two-way movements
- PM Peak (17:00 – 18:00) = 4 two-way vehicle movements
- Total Daily Trips = 78 two-way vehicle movements

The survey concluded that the proposed development would result in approximately 5 fewer vehicles on the local highway network during both the highway network peak periods of between 08:00 – 09:00 and 17:00 – 18:00. The development traffic impact during the pupil departure period (15:00 – 16:00) will have little impact on the local highway network as background traffic is lower outside of the PM peak hours. Given that there will be less

trip generations and anticipated vehicular movements on the immediate highway network, in contrast to the existing use of the site, the development is considered acceptable by the Highway Authority in this regard.

Concerns have been raised by the Highway Authority regarding the potential of vehicles waiting on the highway network directly outside of the site boundary to the north, on Barry Road/Cornwall Road during peak pick up and drop off times. **Condition 22** requires a Traffic Regulation Order to be implemented to prevent vehicles waiting, to ensure highway safety is maintained.

On Site Parking / Pupil Drop off Provision

The proposed site layout has identified and provided an area / allocation for on-site car parking to take place off the road network, to assist with staff parking and provision for drop off / pick up. A central island exists in the centre, providing a circular route within the site drop-off route. This will also benefit from a separate entry and exit (similar to the arrangement as existing), to allow for one-way movement of traffic through the site, working to reduce the likelihood of vehicular conflict. The layout identifies:

- 20 parking spaces proposed for staff (including two disabled spaces and 3 EV charging bays)
- space for mini-bus drop offs
- laybys for drop off / pick up
- cycle parking

In addition, within the proposed parking layout the refuse vehicle space is provided within a service lay-by which will also form part of the on-site provision for pupil drop off / pick up. There is also a space provided for minibus drop off in the loop that ties southwest of the main car park. Specific drop off spaces and minibus parking spaces have been formally allocated.

The Council's parking standards require a maximum of 1 parking space per member of staff. The 20 staff spaces would represent almost 1:1 provision for staff and this is considered an appropriate level, which recognises a balance between the need to ensure adequate provision, and the need not to 'over provide' and promote more sustainable modes of travel, e.g. bus, cycling, walking, or car sharing, and given that the Parking Standards SPG prescribes maximum standards for parking. The site is located within an extremely sustainable location with access to public transport services in close proximity.

Consequently the Highways Engineer has raised no objection to this arrangement, which will be likely to encourage and facilitate sustainable patterns of travel.

Condition 21 requires compliance with the submitted Travel Plan, which sets out measures to encourage sustainable patterns of travel.

Due to the proximity to neighbouring residents as highlighted above, a Construction Environmental Management Plan (CEMP), shall be submitted, to be secured by condition (see **Condition 5**) to ensure that all aspect of the construction phase minimise impacts on neighbouring residents

Subject to the above conditions, it is considered that the development would not adversely impact upon residential amenity, in accordance with Policies MD2 and MD7 of the LDP.

Flood Risk and Drainage

An FCA and Drainage Strategy has been prepared to inform the proposed development.

Whilst a scheme has been agreed in principle with the drainage authority, SAB approval will be required for the development. The submitted conceptual design indicates that due to anticipated poor infiltration rates due to unsuitable ground conditions surface water runoff from the development will utilise existing drainage connections, although 40% less than the existing site, subject to agreement from DCWW. Additional conceptual SuDS features throughout have been proposed to provide both interception and biodiversity benefits. It is indicated that the conceptual drainage system has been designed to cater for storm events up to the 1 in 100-year return period plus 40% climate change.

In respect of foul sewerage, Dwr Cymru Welsh Water's (DCWW) response states that there is capacity in the public system to accept the foul flows. DCWW have requested advisory notes to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Subject to those advisory notes, and subject to the site being drained in accordance with an approved 'SAB' design, the proposed development is considered acceptable in respect of drainage, as required by policies MD2 and MD 7 of the LDP.

Biodiversity

Policy MD9 of the LDP states:

New development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

- 1. The need for the development clearly outweighs the biodiversity value of the site; and*
- 2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.*

A Preliminary Ecological Appraisal (PEA) and a Bat Report have been submitted as part of the planning application. The PEA was commissioned to identify whether there are known or potential ecological receptors (nature conservation designations and protected and notable habitats and species) that may constrain or influence the design and implementation of the proposed development. The PEA concludes that the site has the potential to support common invertebrates, reptiles, breeding birds and bats. The survey also identified Japanese knotweed along the western boundary of the site. The report concludes further survey work and mitigation is required.

A Bat Report has also been submitted to accompany the planning application, which confirms that the red brick building on site as was assessed in June 2021 as having low potential for bat use. A very low number of bats were recorded and no bats were observed in the building on site and that the impact of the proposed building works will have a negligible impact on the local bat population. As an enhancement, the Bat Report recommends bat boxes should be incorporated into the new buildings design or on trees.

The Council's Ecological Officer has reviewed the submitted details, in agreement with the findings and has made a number of suggestions to the applicant and requested that details such as a lighting plan (**Condition 6**), which is part of the PEA, should be conditioned ahead of commencement of work on site for approval. In addition, **Condition 7** is recommended to secure development in accordance with the recommendations of the PEA. **Condition 10** relates to the requirement for a method statement and **Condition 8** relates to the requirement for a bat roost scheme and **Condition 9** for the planting scheme of native shrubs.

Notwithstanding the above, as a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority 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, 6.3.6). The three tests are:

Test i) The derogation is 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.

Test ii) There is no satisfactory alternative.

Test iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

If the tests cannot be satisfied, then refusal of planning permission may be justified. A proportional approach can adapt the application of the tests, i.e. the severity of any of the tests will increase with the severity of the impact of derogation on a species / population.

In terms of Test 1, it is considered that the proposed development is in the public interest, due to the essential contribution it would make towards meeting education provision, within a sustainable location.

In terms of Test 2, it is necessary for modern educational requirements to be provided, and the Council has a statutory duty to meet this requirement. A new school is considered to be the only viable option and there is no satisfactory alternative suitable site to meet this need.

In terms of Test 3, NRW have raised no objection subject to the measures in the mitigation statement being adhered to, and, therefore, the development would not be detrimental to the maintenance of the population of the protected species

Subject to compliance with the recommendations in the PEA and the Bat Report and the provision of details as required by the pre-commencement conditions above, it is considered that the development would comply with Policy MD9 and the Council's Supplementary Planning Guidance on Biodiversity and Development.

Provision of Play Space/Open Space

As part of the development proposals, new public open space will be created (3,898 sq.m in total), including the provision of sports playing fields and a Multi-Use-Games Area

(MUGA). The Planning Statement advises that this open space would be accessible to the wider community.

The Council's Open Space Background Paper (2013) identifies school playing fields as outdoor sports provision. The document indicates that the Court Ward has an under provision of children's play space and an under provision of outdoor sport space. The school playing areas provided as part of the proposals would contribute to the provision of children's play space in the ward and the proposed MUGA would contribute to the outdoor sports space addressing and contributing towards the under provision identified in the ward as referenced in the Council's Background Paper.

In summary, it is considered the proposal provides a positive addition through on-site facilities provided by the new school, including outdoor play space enhancements in accordance with policies MD1 and MD2 of the adopted LDP.

Contamination

The application has been supported by ground investigation reports and a Remediation Statement prepared by Hydrock. The reports have identified that there are some contaminants of concern on the site made in representations.

Shared Regulatory Services (Environment) provide specialist advice in relation to land contamination (among other matters) and have advised that conditions relating to ground gas monitoring and protection, a land contamination assessment and remedial measures should be attached to any planning permission. They also recommended conditions relating to imported soil, aggregate and site won materials and provided advisory notes relating to unstable land.

In addition NRW have also raised some concerns and comments in relation to further survey work sought through the use of conditions.

Therefore, the aforementioned conditions would ensure that contamination assessments are carried out, and if contamination is found or confirmed, remedial and verification measures are agreed prior to the commencement of development. The development is considered acceptable in relation to land contamination hazard, and risk to neighbouring and future occupiers, subject to these conditions (**Conditions 14-19**).

Japanese Knotweed

Given the identified presence of Japanese Knotweed along the western boundary of the site as highlighted in the Preliminary Ecological Appraisal, it is reasonable to impose a condition seeking further survey work to be undertaken, and appropriate disposal/mitigation if necessary (**Condition 20**).

Other Matters

A comment was raised during the course of the application determination period with regards to a Party Wall Agreement and matters surrounding the demolition of a building. However, the building in question raised by the neighbour did not form part of the demolition proposals on site. Nevertheless, Party Wall matters are outside the remit of planning. No further comments were made.

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:

- 26z002 Hlm 00 00 Dr A 0001 P02 Site Location Plan;
- 26z002 Hlm 01 01 Dr A 0011 P02 Proposed First Floor Department Plan
- 26z002 Hlm 01 Zz Dr A 0030 P02 Proposed Coloured Sections
- 26z002 Hlm 00 00 Dr A 0002 P02 Existing Site Location Plan
- 26z002 Hlm 01 Zz Dr A 0020 P02 Proposed Coloured Elevations
- 26z002 Hlm 01 00 Dr A 0010 P03 Proposed Ground Floor Department
- 26z002 Hlm Xx Zz Dr L 0003 P01 Site Sections
- 26Z002-HLM-00-00-DR-A-0003 Rev P07 - Proposed Site Layout Plan
- 26Z002-HLM-XX-ZZ-DR-L-0001 Rev P15 LANDSCAPE GA
- CLW-HYD-XX-XX-DR-C-0600_Drainage Strategy
- 26Z002-HLM-XX-ZZ-DR-L-4501 SOFT LANDSCAPE STRATEGY
- 26Z002-HLM-XX-ZZ-DR-L-3001 P5 Hard Landscape Strategy
- 26z002 Hyd Xx Xx Dr C 0700 Surfacing Kerbing
- 26z002 Hyd Xx Xx Dr C 1200 P01 Existing Site Levels
- 26z002 Hyd Xx Xx Dr C 1300 P01 Vehicle Tracking
- 26z002 Hyd Xx Xx Dr C 2100 P01 Proposed Levels
- 17638 Hyd Xx Xx Dr Tp 0201 P02
- 26Z002-HLM-XX-ZZ-DR-L-3014 - P01 - Bin Store Plan and Elevations
- 26Z002-HLM-XX-ZZ-DR-L-3015 - P01 - Cycle Store Plan and Elevations
- 26Z002-HLM-XX-ZZ-DR-L-3016 Sprinkler Tank Area Plan And Elevations
- 26Z002-HLM-XX-ZZ-DR-L-2501 P5 Fencing & Gates
- 26Z002-HLM-XX-ZZ-DR-L-0003 P4 Site Sections

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. Prior to their use in the development, samples of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and maintained in accordance with the approved details.

Reason:

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

4. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 and MD2 of the Local Development Plan.

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

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

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

Reason:

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

6. Prior to the commencement of development, a lighting strategy, including the types of lighting, measures to reduce light spillage shall be taking into consideration the recommendations identified in the PEA submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of ecology and to ensure compliance with In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD9 (Promoting Biodiversity) of the Local Development Plan.

7. The development shall at all times be carried out in accordance with the recommendations contained within the Aecom Preliminary Ecology Appraisal June 2021.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

8. Prior to the commencement of the development, a scheme for the provision of roosts for bats in the retained and/or new buildings on site shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of ecology and to ensure compliance with policy MD9 of the LDP.

9. Prior to the commencement of the development, a planting scheme incorporating the use of native shrubs and trees shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of ecology and to ensure compliance with policy MD9 of the LDP.

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

- Details of sensitive site clearance with respect to reptiles, slow worm, hedgehog and breeding birds;
- Details of development and construction methods within wildlife and habitat protection zones and measures to be taken to minimise the impact of any works;
- Details of the management of ecology features to maximise biodiversity;
- Measures to be undertaken to enhance biodiversity on site;
- A lighting scheme for the site in order to ensure minimal light spillage onto adjoining vegetation.

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

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD9 (Promoting Biodiversity) of the Local Development Plan.

11. Notwithstanding the submitted plans, prior to the first beneficial use of the development hereby approved a fully detailed scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. A full planting schedule (with species) and details of all materials to be used in landscaping works shall be provided and the development shall thereafter be implemented fully in accordance with the approved details.

Reason:

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

12. 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 and MD2 of the Local Development Plan.

13. Prior to the commencement of any development, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the Local Planning Authority.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as

detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

Reason:

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

14. The remediation strategy submitted (Hydrock, 30 June 2020; Centre for Learning & Wellbeing (CLWB) Remediation Statement Ref: 17638-HYD-XX-XX-RP-GE-1001_S2_P1) must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason:

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

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

Reason:

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

16. No development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority that shall thereafter be implemented.
 1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason:

To ensure that the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

17. Prior to the occupation of the development, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the

verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason:

To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

18. Prior to the occupation of the development, a long term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken;
- Timescales for the long term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required;
- Timescales for submission of monitoring reports to the LPA e.g. annually;
- Details of any necessary contingency and remedial actions and timescales for actions;
- Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Reason:

A land contamination etc long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on water quality in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason:

To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policies SP1

(Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

20. Prior to the commencement of development, including site clearance, full details of a scheme to address the issue of Japanese Knotweed identified in the Preliminary Ecology Survey, which shall include measures to ensure this specie is not propagated or allowed to spread as a result of the development, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To prevent the spread of Japanese Knotweed, and protect the natural environment, in accordance with Policy MD7 of the Local Development Plan (2011-2026).

21. The school shall be operated in accordance with the Hydrock CLWB Travel Plan 22 July 2021.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

22. Prior to the commencement of development, a scheme for the extension of a Traffic Regulation Order along Barry road which will provide further no waiting restrictions around the junction of Cornwall Road and Barry Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also be accompanied by a new uncontrolled crossing point complete with dropped kerbs and tactile paving. The scheme shall then be implemented prior to beneficial occupation of the site.

Reason:

In the interests of highway/pedestrian safety and to ensure compliance with Policy MD2 of the LDP.

23. Prior to the commencement of the construction of the school building, and notwithstanding the submitted plans, details of a 3.5m wide footway along the site frontage on Barry Road and details of the demolition of the wall as part of the proposals shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be constructed in accordance with the approved details prior to the first beneficial use of the school.

Reason:

In the interests of ensuring appropriate pedestrian/cycling infrastructure and to ensure compliance with Policy MD2 of the LDP.

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, SP3, SP4, SP7, MG1, MG2, MG4, MG6, MG7, MG16, MD1, MD2, MD5, MD7 and MD9 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, PPW 11, TANs 11, 12, 13, 16 and 18 and the Council's SPG on Biodiversity and Development, Parking Standards, Sustainable Development - A Developer's Guide and Travel Plans, the proposed development is considered acceptable in principle, and in respect of design, residential amenity, highway safety, parking, ecology and drainage.

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 use of seed mixes locally sourced from species rich grasslands within 15km of the application site to conserve local biodiversity and genetical diversity it is important to use locally sourced materials.**
2. **The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for**
 - (i) **determining the extent and effects of such constraints;**
 - (ii) **ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;**
 - **Unprocessed / unsorted demolition wastes.**
 - **Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.**
 - **Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and**

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

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

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

- 3. 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

- 4. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com**

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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.

Notes:
 Details of dimensions on site. Do not scale from this drawing.
 This drawing is copyright ©

Key:
 Application Boundary
 Application Ownership



P.127

2021/01105/RG3

PKS Revised Planning Issue 14/01/2021 CC
 Proj Stage 4 Issues 09/07/2021 JA
 PKS Stage 4 Issues Approved, Issued 09/07/2021 JA
 PKS for Planning 09/07/2021 JA
 PKS for Applications Consideration Issue 07/09/2021 HLM
 PKS - Preliminary Draft Plan Issue 28/04/2021 HLM

Rev Description Date By
 03 S3 REVIEW AND COMMENT 28/04/2021 HLM

Client:
VALE OF GLAMORGAN

Title:
Site Location Plan

Drawing No:
 262002-HLM-00-00-00RA-001

Scale:
 1:500 @ A1
 Date:
 28th May 2021

HLM Architects
 www.hlmarchitects.com
 9 HLM Architects
 Grayfriars House
 100, Grayfriars Road
 Cardiff CF10 1PL

2021/01192/FUL Received on 10 August 2021

APPLICANT: NKW Properties Wheadon c/o Agent

AGENT: Shaun Cuddihy Square peg, Brackendene,, Wenvoe, CF5 6BA

1, Rectory Road, Barry

Proposed alterations and improvements and change of use to multiple occupancy

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Councillor Nugent-Finn due to the level of public interest associated with the application.

EXECUTIVE SUMMARY

The application site comprises an end-terrace property located along Rectory Road, Barry. The property falls within use class C3 (Dwelling houses) under the Town and Country Planning (Use Classes) Order 1987 as amended which allows the property to be occupied by:

- a) single person or by people to be regarded as forming a single household;
- b) not more than six residents living together as a single household where care is provided for tenants; or
- c) not more than six residents living together as a single household where no care is provided to residents (other than a use within class C4).

This application proposes the conversion of the property to a six bedroom House of Multiple Occupation (HMO) which falls under use class C4. This allows the use of the dwelling house by no more than six residents as a "house in multiple occupation" (HMO).

The main issues to consider include the principle of the use, impact on the character of the area, the amenities of the neighbouring properties and parking.

It is recommended that the application be approved.

SITE AND CONTEXT

The application site relates to 1, Rectory Road, Barry, a two storey end of terrace property located within the Settlement Boundary of Barry as defined by the adopted Vale of Glamorgan Local Development Plan. It occupies a corner plot that fronts onto both Rectory Road and Charlotte Place.

There is no off street parking serving the property. The site is located within a predominantly residential street scene comprising terraces of similar properties.

The map extract below shows the site's context:



DESCRIPTION OF DEVELOPMENT

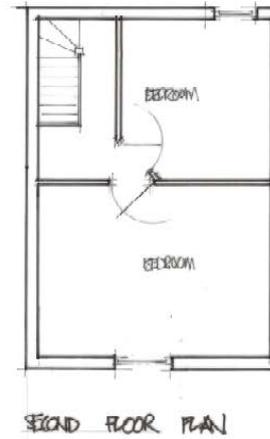
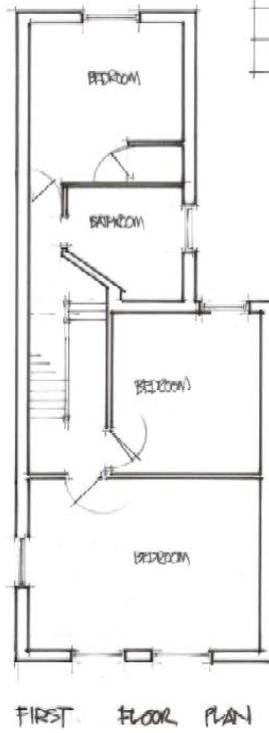
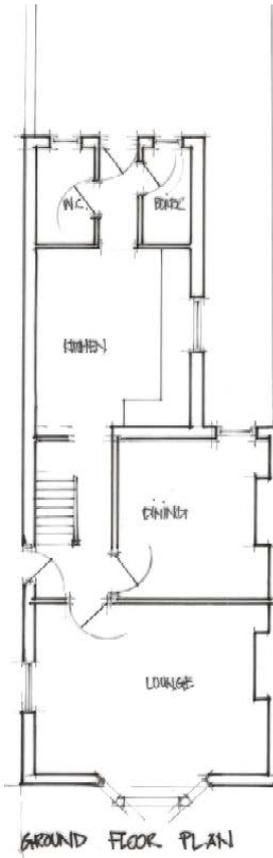
Planning permission is sought for the conversion of a five bedroom dwelling house (Class C3) Use into a six bedroom House of Multiple Occupation (HMO) Use Class C4.

This application has been made following The Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 having come into force on 25 February 2016. The Order created a new use class C4.. In broad terms, this use occurs where tenanted living accommodation is occupied by 3 to 6 people, who are not related and who share one or more basic amenities, as their only or main residence.

The proposal would not involve any external works, with the only building operations being the addition of partition walls to create further toilets at the property.

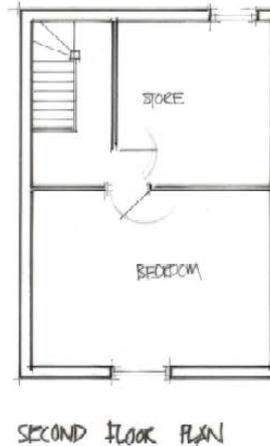
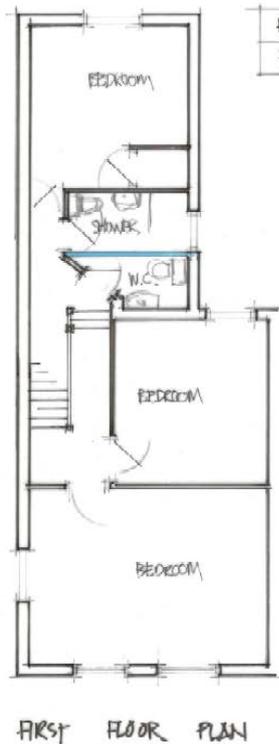
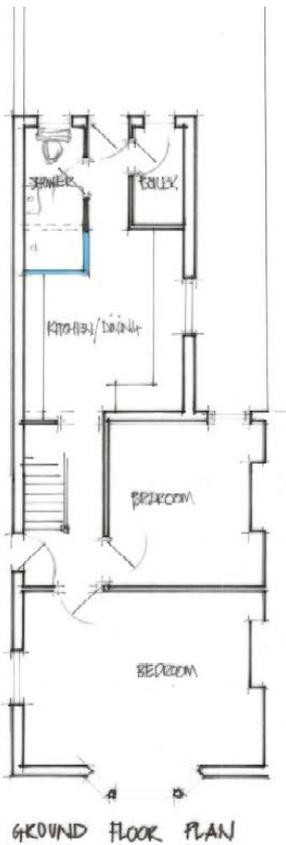
The existing and proposed floor plans are shown below:

Existing Floor Plans



| | | |
|--------------------------|---------------------|--------------------|
| PROPOSED ALTERATIONS TO: | 1 RECTORY ROAD | BARKY |
| PLANS AS EXISTING | DRAWN AUGUST '21 | SCALE 1:50 @ A2 |

Proposed Floor Plans



| | | |
|--------------------------|---------------------|--------------------|
| PROPOSED ALTERATIONS TO: | 1 RECTORY ROAD | BARKY |
| PLANS AS PROPOSED | DRAWN AUGUST '21 | SCALE 1:50 @ A2 |

PLANNING HISTORY

According to the Council's available records, the site has no relevant planning history.

CONSULTATIONS

Barry Town Council were consulted on 6 September 2021. A response was received on 17 September 2021 confirming its objection on the grounds that the proposed development does not comply with requirements advocated within the adopted Vale of Glamorgan planning department Supplementary Planning Guidance document; Residential and Householder Development April 2018, in terms of appropriate off road car parking provision and amenity space for residents. The proposed development will also potentially lead to general disturbance and a loss of privacy and amenity to local residents/neighbours.

Shared Regulatory Services (Pollution) were consulted on 6 September 2021. A response was received on 30 September which confirmed that a licence for the use would be required.

Ward Members were consulted on 6 September 2021. Cllr Nugent-Finn responded calling the application in for determination by planning committee.

REPRESENTATIONS

The neighbouring properties were consulted on 6 September 2021. At the time of writing this report, 31 letters of representations have been received outlining their objections on the following grounds:

- Lack of car parking;
- Not enough room for emergency vehicles/lorries;
- Concerns surrounding safety of the children, teenagers and residents residing in the neighbouring properties;
- Claims that the use is for a hostel and not for private occupants;
- Noise and disturbance will be created as a result the use;
- Not all residents were consulted and lack of information being provided;
- Not the correct area for this use;

- It is a family area and the dwelling should be retained as a family house;
- Will cause stress and mental health issues for existing residents;
- Concerns with the rear lane and security, with residents accessing the properties;
- Concerns regarding alcoholics and drug addicts;
- Reduce value of properties;
- Vulnerable residents within the area;
- Concerns of overlooking.

A petition against the planning application was also received on 27 September 2021, with 103 signatures in opposition to the proposed change of use.

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 SP3 – Residential Requirement

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD7 - Environmental Protection

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.

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

- Transport

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)

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

This application seeks planning permission for the change of use of a five bedroom dwelling house (from a C3 residential property) into a six bedroom, Class C4, HMO. Use class C4 allows for tenanted living accommodation occupied by up to 6 people, who are not related and who share one or more basic amenities, as their only or main residence. With no external works or visual alterations proposed for the development, the main issues to assess are the principle of the development in this location, impacts on neighbouring amenity, parking provision and amenity space provision.

Principle of Change of Use

The site is located in a residential area within the Barry Settlement Boundary as defined by the adopted Vale of Glamorgan Local Development Plan. In light of this, there is considered to be no defensible objection in principle to a form of residential use in this location. The proposed HMO use is not significantly different in character to a C3 dwelling house use, albeit there may be more residents than some family homes. The house is fundamentally large enough to accommodate 6 occupants and it is not considered that the proposed use would result in overcrowding of the building. As such, it is considered that the use would be fundamentally compatible in principle within this residential context.

Whilst HMO properties can (relative to dwelling houses) be more frequently occupied by a transient population, this in itself does not mean that the individuals occupying the property will be noisy or cause disturbance. The use of the site as a HMO does not necessarily mean individuals occupying the site will be noisy or disruptive, and it is considered that the development would not result in a change to the overall character of the area. Such assertions, about the appropriateness of prospective occupiers are not evidenced and could not reasonably warrant the recommendation for refusal of the application. If there were anti-social behaviour issues that would either be a matter for the Council's Shared Regulatory Services team (in respect of the site licence) or the Police.

In light of this, it is considered that the HMO use would, in principle, be acceptable within the surrounding residential environment, and would not be materially different to a dwelling house in this respect.

Neighbour Impacts

Criterion 8 of policy MD2 requires that new development should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. Additional guidance is contained in the Council's adopted SPG on Residential and Householder Development.

The primary concerns of neighbours appear to be with regards to the potential noise and disturbance from the property, the type of people living at the property, , impact on value of neighbouring houses, concerns around safety of children, and impacts on mental health of existing residents.

As aforementioned, the use of the site as a HMO does not in itself mean that future occupants will be a source of noise or disturbance. These are not considered to be

problems that should arise from the use of a dwelling house by 6 individuals, rather they appear to largely be concerns with a perceived nature of occupier. It is considered that the general comings and goings associated with 6 occupants would not be likely to give rise to a level of noise or disturbance that would be harmful to residential amenity.

Neighbours have raised concerns that the change of use will increase anti-social behaviour and prejudice the safety of children. In this case, no evidence has been put forward to support the contention that a single HMO would be likely to cause an increase in anti-social behaviour or result in impacts on the safety of children. Therefore, while the concerns are noted, there has been no evidence provided to support the view that occupants of this HMO would cause anti-social behaviour or safety implications for children living within the street, and it is, therefore, considered that the development could not be justifiably resisted on these grounds.

Outside of the change in use, the proposal does not include any new window openings and the application does not propose any extensions that could potentially affect neighbour amenity, result in an overdevelopment of the site or cause any harmful impacts associated with overlooking. However, it is acknowledged that concerns have been raised by the Town Council and interested parties about the intensification of the residential use of the site (from a dwellinghouse to a house of multiple occupation). Whilst the exact nature of residential use for a HMO can be different to a single dwellinghouse, it is nevertheless fundamentally a residential use with very similar impacts / potential impacts, with many of the concerns raised around noise, nuisance, anti-social behaviour or nuisance, falling under separate legal controls and outside the consideration of the planning authority. Given the scale proposed in this instance, i.e. a single HMO providing 6 bedrooms, it is not considered that this would have a significant effect on the residential amenity of the area.

For the reasons set out above, it is considered that the proposal will protect the residential amenities of the neighbouring properties and thereby complies with Policy MD7 of the adopted LDP.

Amenity Space provision

In terms of the provision of amenity space, the Council's Residential and Householder Development SPG does not make specific reference to houses of multiple occupation. However, it requires between 12.5sq.m-20sq.m as a minimum of amenity space per person in flatted developments and 20sqm per person for new houses, the majority of which should be private in nature.

The proposed development is typical of residential dwellings in the area and benefits from a rear garden (approximately 50sqm in size).. In this instance, an area of 50 sqm is considered adequate to meet the day to day functional needs of the residents, which would not be appreciably dissimilar in number to a family home. This level of amenity space is considered sufficient to serve the development and the amenity space will be accessible by all users.

Parking and Highway Safety

Criterion 3 of Policy MD2 requires proposed development to have no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking. Concern has been raised by Barry Town Council that the proposal does not provide off

road parking. However, the existing property does not have its own off street parking and relies on availability of on street parking. A six bedroom dwelling would, according to the Council's Parking Standards require a maximum of 3 spaces. In this instance the proposal would require no more when considered against the same standards, which are fundamentally maximums. However, the Council recognises that a lower number is generally suitable in locations that are considered sustainable. In this case the site is located close to the town centre and it is within easy walking distance of a range of transport modes and many day to day services.

Noting all of the above, it is considered that the proposal would not result in a demonstrable increase in on-street parking demand over and above the existing residential use of the dwelling. As such, it is considered on balance that the proposal is acceptable in parking terms and the LPA could not sustain an objection to the proposals in terms of lack of parking or associated highway safety implications.

Other Matters

It is recognised that the application has generated significant concern with 31 letters of objection, a signed petition and a local member calling the application in to planning committee for determination. Comments have also been made within representations that additional neighbour letters should have been issued and lack of information submitted which is noted. However, letters were sent to immediate neighbouring properties and the submitted floor plans are considered adequate to determine the application of this scale and nature. As such, it is considered that the Local Planning Authority has met its legislative requirements for a development of this form and size.

Concerns relating to parking have been addressed in the body of the report. However, comments were also made surrounding lack of room for lorry and emergency vehicles to pass within the street. Whilst these comments have been considered, the proposed HMO use is not considered to be significantly different in character to the existing C3 dwelling house and therefore a lack of room for sufficient movement for large vehicles to pass is an existing issue. i.e. it is not considered the proposed change of use would materially change the existing situation.

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:

- Proposed Floor Plans August 21 (Received 12/08/2021)

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.

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 (2018) and Parking Standards; and national guidance contained in Planning Policy Wales, and TAN12-Design; it is considered that the proposal is an acceptable use in this location, that would have no significant detrimental impact to the character of the area or the amenities of neighbouring occupiers. The proposal is also considered acceptable in respect of amenity and parking provision. The proposals therefore comply with the relevant planning policies and supplementary planning guidance.

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 is advised that all necessary permits / licenses need to be sought by the relevant bodies (i.e. SRS, NRW, Welsh Water etc.) and this consent does not relate to such permits.**

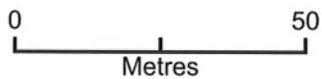
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Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

! Rectory Road Barry



Plan Produced for: NKW Properties

Date Produced: 10 Aug 2021

Plan Reference Number: TQRQM21222112928243

Scale: 1:1250 @ A4