

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 8 JUNE, 2022

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:

2020/0611/BN	A	7, Cae Rex, Llanblethian, Cowbridge, CF71 7JS	Addition of second storey (partially in a dormer style) to existing bungalow along with rear single storey extension.
2021/0921/BN	A	49, Lon Yr Eglwys, St. Brides Major. CF32 0SH	Internal alterations, 2 dormers to rear and porch to front
2022/0002/PV	AC	45, Wick Road, Ewenny, CF35 5BL	Rear and side extension
2022/0007/PO	AC	45, Clos Brenin, Pontyclun, CF72 9GA	Proposed double storey extension to the rear
2022/0008/PO	AC	15, Harrismith Road, Penylan, Cardiff, CF23 5DG	Single storey flat roof rear kitchen
2022/0009/PO	AC	43, Ty Wern Road, Rhiwbina. CF14 6AB	Demolish existing conservatory build new single storey pitch roof extension
2022/0026/RG	A W	2, The Grange, Earl Road, Penarth, CF64 3UT	Single storey extension to rear
2022/0138/BN	A	24, Mill Road, Dinas Powys. CF64 4BU	Loft conversion and general refurbishment works internally
2022/0192/BN	A	73, Cedar Way, Penarth, CF64 3PW	Rear extension and garage rebuild

2022/0201/BN	A	54, Rhodfar Morwydd, Penarth. CF64 2UD	Double storey extension to enlarge the house and internal development to adjust existing room and create new ones
2022/0206/BN	A	20, Penlan Road, Llandough, CF64 2LT	Small single storey extension
2022/0209/BN	A W	6, Wimbourne Close, Llantwit Major, CF61 1QW	Two storey extension and loft conversion
2022/0215/BN	A	51, Pantycelyn Road, Llandough, Penarth, CF64 2PF	Removal of chimney place, removal of wall between kitchen and dining room and removal of kitchen door, window and wall beneath window and replacement with French doors. Moving an internal door.
2022/0229/BN	A	Holmesdale, Cross Common Road, Dinas Powys, CF64 4TP	build side extension to property for extended living space
2022/0232/BN	A	34, Ffordd Cwm Cidi, Barry, CF62 6LJ	Knock through
2022/0233/BN	A	37, Fontygary Road, Rhoose, CF62 3DS	Reroof and sun tunnel
2022/0234/BN	A	25, Clisson Close, Cowbridge, CF71 7FP	Single storey extension to kitchen
2022/0235/BN	A	7, The Grove, Barry, CF62 6RD	Knock through
2022/0236/BN	A	17, Harriet Street, Cogan, Penarth, CF64 2JY	Dormer loft conversion and internal alterations
2022/0237/BN	A	19, Croffta, Dinas Powys, CF64 4UN	Disabled adaptation works to the Bathroom
2022/0238/BN	A	HSBC, 85 Holton Road, Barry, CF63 4HG	Replace glazing pane to shopfront and remove all fixtures and fittings.
2022/0239/BN	A	2, Glascoed Cottages, Sully Road, Penarth, CF64 2TQ	Conversion and extension of existing outbuilding (no sleeping accommodation)

2022/0240/BN	A	19, Clos Y Wiwer, Llantwit Major, CF61 2SG	Knock through
2022/0241/BR	AC	10, Plas Gwernen, Barry, CF63 1AR	Extension on top of garage
2022/0242/BR	AC	Lower House Farm, Rhoose Road, Rhoose, CF62 3EP	Alterations to existing house
2022/0244/BN	A	98, South Road, Sully, CF64 5SN	Single storey side and rear extension
2022/0245/BN	A	Old Post Inn, Bonvilston, CF5 6TQ	Replace the roof, new windows and doors, refurbishment of the external walls and new electrics
2022/0246/BN	A	2, Hellas Drive, Barry, CF62 8AW	Refurbishment of existing conservatory
2022/0247/BN	A	Glebe Farm, St Andrews Major, Dinas Powys, CF64 4HD	Upgrade existing cesspit to Klargester BB Biodisc Gravity discharge tank
2022/0248/BN	A	18, Fairfield Rise, Llantwit Major, CF61 2XG	Re roof
2022/0249/BN	A	1, Cwrt Dyfed, Barry, CF63 1DZ	Single storey side extension, first floor extension over existing garage, and replacement porch canopy.
2022/0250/BN	A W	24, Wordsworth Avenue, Penarth, CF64 2RL	Demolition of existing garage and construction of two storey rear extension, single storey side extension and loft conversion.
2022/0251/BR	AC	15, Millbrook Close, Dinas Powys, CF64 4DD	Internal Structural Alterations
2022/0252/BN	A	41, Cae Canol, Penarth, CF64 3RL	Single storey extension.
2022/0254/BN	A W	32, Maes Y Gwenyn, Rhoose, CF62 3LA	Single storey rear extension

2022/0256/BR	AC	Brynglas, St Andrews Road, Dinas Powys, CF64 4AT	Small Kitchen side and rear extension and internal remodelling
2022/0257/BN	A	Hillside, St Mary Church, Cowbridge, CF71 7LT	Garage conversion
2022/0258/BN	A	95, Dobbins Road, Barry, CF63 2NP	Single storey extension over garage less than 10m2
2022/0259/BR	AC	Belle Vue Park, Albert Crescent, Penarth	Construction of new shared use community building
2022/0260/BN	A	53, Hillside Drive, Cowbridge, CF71 7EA	Installation of bi fold doors
2022/0261/BR	AC	14, Tair Onen, St Hilary, Cowbridge, CF71 7UA	Single storey extension
2022/0262/BR	AC	5, Meadow View Court, Sully. CF64 5AY	3 Storey extension
2022/0265/BN	A	Lane End, Michaelston Le Pit. CF64 4HE	Two storey extension to main house and single storey garden room extension and separate plant room and garage
2022/0266/BR	AC	Ground Floor Flat, 11, Westbourne Road, Penarth. CF64 3HA	Replacement of dilapidated single storey rear kitchen annexe
2022/0267/BN	A	40, Britway Road, Dinas Powys, CF64 4AF	Replacement tiled roof to conservatory
2022/0268/BN	A W	42, Grange Gardens, Llantwit Major, CF61 2XB	Single storey side extension
2022/0269/BN	A	10, White House, Barry, CF62 6FB	Single storey extension to rear
2022/0270/BN	A	39, Cwm Barry Way, Barry, CF62 6LA	Dormer loft conversion
2022/0271/BN	A	Sealands Farm, St Brides Major, CF32 0RR	Conversion of three barns into holiday lets
2022/0272/BN	A	19, Clive Place, Penarth. CF64 1AU	Single storey extension to rear and side of Victoria semi. Removal of chimney breast (retaining stack above roof level)

2022/0274/BN	A	50, Fairfield Road, Penarth, CF64 2SL	Single storey extension to rear of property. Removal of single skin load bearing internal wall and install steel beam
2022/0275/BN	A	7, Somerset View, Ogmere By Sea. CF32 0PP	Rebuilding of front parapet wall including installation of new stainless steel lintel over existing window. Installation of glass guarding to roof terrace on front elevation, re roof and cladding to the existing building
2022/0276/BN	A	52, Romilly Road, Barry, CF62 6LF	Deck on top of existing garage
2022/0277/BR	AC	Eastdown Farm Cottage, St Hilary, Cowbridge, CF71 7DP	Extension and link block to create additional living accommodation
2022/0278/BN	A	17, Sully Terrace, Penarth, CF64 3DS	Ground floor rear extension, rear roof dormer, internal alterations including removal of living room wall and insertion of RSJ. Lowering of internal ceiling to first floor to allow for loft room
2022/0279/BN	A	21, Highwalls Road, Dinas Powys, CF64 4AJ	Demolish single storey extension and construction two storey extension
2022/0281/BN	A	19, Sully Terrace, Penarth, CF64 3DS	Internal ground floor alterations. Rear dormer extension
2022/0282/BN	A	Aldbourn House, 1, Cotterell Drive, Bonvilston, CF5 6TY	Renewal of thermal element
2022/0283/BR	AC	Badgers Hollow, Graig Penllyn, Cowbridge, CF71 7RT	Proposed single storey extension
2022/0284/BN	A	15, Berkley Drive, Penarth, CF64 3DW	Single storey extension to enlarge kitchen dining / area, knock through and new WC to ground floor

2022/0285/BN	A	6, Tair Gwaun, Penarth, CF64 3RG	Single storey flat roof extension
2022/0286/BN	A	35C, Albert Road, Penarth, CF64 1BY	Converting shop to habitable space (not a new dwelling)
2022/0288/BN	A	153, Pontypridd Road, Barry, CF62 7LW	Knock through
2022/0289/BN	A	29-34 Station Road, Rhoose, Barry, CF62 3EY	EWI and re roof
2022/0290/BN	A	21-27, Lougher Place, St Athan, CF62 4PW	EWI and flat roof covering
2022/0291/BN	A	37-43 Lougher Place, St Athan, CF62 4PW	EWI and flat roof
2022/0292/BN	A	45-51, Lougher Place, St Athan, CF62 4PW	EWI and flat roof
2022/0293/BN	A	53-59, Lougher Place, St Athan, CF62 4PW	Loft insulation, EWI and flat roof
2022/0294/BN	A	10-12, Wimborne Crescent, Sully, CF64 5SR	EWI, loft insulation, windows and flat roof
2022/0295/BN	A	27-29, Wimborne Crescent, Sully, CF64 5SR	EWI, loft insulation and windows
2022/0296/BN	A	19-25, Wimborne Crescent, Sully, CF64 5SR	Re roof and loft insulation
2022/0297/BN	A	1-10, Loveluck Court, Spitzkop, Llantwit Major, CF61 1UY	EWI
2022/0298/BN	A	16-27, Cae Stumpie, Cowbridge, CF71 7DL	Loft insulation and EWI
2022/0299/BN	A	5-11, Sir Ivor Place, Dinas Powys, CF64 4QZ	Re roof, roof insulation and EWI
2022/0300/BN	A	15-21, Porth-y-green Close, Llanblethian, Cowbridge, CF71 7JR	EWI and, flat roof covering
2022/0301/BN	A	34-40, Torbay Terrace, Rhoose, CF62 3HA	Re roof, EWI and windows
2022/0302/BN	A	46-48, Torbay Terrace, Rhoose, CF62 3HA	Re roof, EWI and flat roof windows

2022/0303/BN	A	8-14, Rhoose Road, Rhoose, CF62 3EP	Re roof, Windows and EWI
2022/0304/BN	A	35-39, Crawshay Drive, Boverton, Llantwit Major, CF61 2LH	Re-roof, flat roof, EWI and windows
2022/0305/BN	A	39-45, Plas Essyllt, Dinas Powys, CF64 4QS	Re-roof and EWI
2022/0306/BN	A	Pwll Y Wrach Cottage, Colwinston, Cowbridge, CF71 7NJ	Renovation of cottage within curtilage of Grade 2 listed property
2022/0307/BN	A	98, Dochdwy Road, Llandough, CF64 2PE	Two rooms into one
2022/0308/BR	AC	Stanwell Comprehensive School, Salisbury Avenue, Penarth, CF64 2XL	Minor alterations to first floor offices
2022/0309/BR	AC	7, Nyth Yr Eos, Rhoose, CF62 3LG	First floor single storey extension to form new bedroom and balcony
2022/0310/BN	A	Vale House, Penllyn, Cowbridge, CF71 7RQ	Two knock throughs, remove balcony, replace sliding door, remove utility window/door/kitchen and brick up doors to window
2022/0312/BR	AC	Barry Island Junior and Infant School, Clive Road, Barry, CF62 5UZ	Wooden cabin for outdoor learning area
2022/0313/BN	A	13, Earl Road, Penarth, CF64 3UN	Re roof
2022/0314/BN	A	10 Caer Odyn, Dinas Powys, CF64 4UF	Knock through
2022/0316/BR	AC	26, Nailsea Court, Sully, CF64 5SQ	Single storey front extension, internal alterations including new staircase, replacement windows, first floor ensuite. Removal of chimney stack
2022/0317/BN	A	1 Clos Yr Onnen, Llantwit Major, CF61 1TT	Two rooms into one
2022/0318/BR	AC	Whitewebbs, Penllyn, Cowbridge, CF71 7RQ	New front porch

2022/0319/BN	A	1-4, Caernarvon Gardens, Barry, CF62 9XJ	EWI, flat roof works for balcony and balcony door replacement
2022/0320/BN	A	5-8, Caernarvon Gardens, Barry, CF62 9XJ	EWI, flat roof works for balcony and balcony door replacement
2022/0321/BN	A	13-16, Caernarvon Gardens, Barry, CF62 9XJ	EWI, flat roof works for balcony and balcony door replacement
2022/0322/BN	A	17-20, Caernarvon Gardens, Barry, CF62 9XL	EWI, flat roof works for balcony and balcony door
2022/0323/BN	A	21-24, Caernarvon Gardens, Barry, CF62 9XJ	EWI, flat roof works for balcony and balcony door
2022/0324/BN	A	25-28, Caernarvon Gardens, Barry, CF62 9XJ	EWI, flat roof works for balcony and balcony door
2022/0325/BN	A	29-32, Caernarvon Gardens, Barry, CF62 9XL	EWI, flat roof works for balcony and balcony door
2022/0326/BN	A	12-18, Glanmor Crescent, Barry, CF62 7JB	EWI
2022/0327/BN	A	20-26, Glanmor Crescent, Barry, CF62 7JB	EWI
2022/0328/BN	A	28-34, Glanmor Crescent, Barry, CF62 7JB	EWI
2022/0329/BN	A	36-42, Glanmor Crescent, Barry, CF62 7JB	EWI
2022/0330/BN	A	1-4, Parkland Walk, Barry, CF62 6LL	Re-roof, EWl, flat roof works for balcony and balcony door replacement
2022/0331/BN	A	5-8, Parkland Walk, Barry, CF62 6LL	Re-roof, EWl, flat roof works for balcony and balcony door replacement
2022/0332/BN	A	9-12, Parkland Walk, Barry, CF62 6LL	Re-roof, EWl, flat roof works for balcony and balcony door replacement
2022/0333/BN	A	13-16, Parkland Walk, Barry, CF62 6LL	Re-roof, EWl, flat roof works for balcony and balcony door replacement

2022/0334/BN	A	17-20, Parkland Walk, Barry, CF62 6LL	Re-roof, EWI, flat roof works for balcony and balcony door replacement
2022/0335/BN	A	21-24, Parkland Walk, Barry, CF62 6LL	Re-roof, EWI, flat roof works for balcony and balcony door replacement
2022/0336/BN	A	25-28, Parkland Walk, Barry, CF62 6LL	Re-roof, EWI, flat roof works for balcony and balcony door replacement
2022/0337/BN	A	29-32, Parkland Walk, Barry, CF62 6LL	Re-roof, EWI, flat roof works for balcony and balcony door replacement
2022/0338/BN	A	33-36, Parkland Walk, Barry, CF62 6LL	Re-roof, EWI, flat roof works for balcony and balcony door replacement
2022/0340/BR	AC	National Police Air Service, Batslays, Bro Tathan South, St. Athan, CF62 4AG	Single storey operations office extension and refurbishment works
2022/0341/BN	A	18, Robinswood Close, Penarth. CF64 3JG	Replacement of existing roof
2022/0342/BN	A	46, Heol Collen, Culverhouse Cross. CF5 5TX	Single storey extension to rear
2022/0343/BN	A	24, Somerset View, Ogmere By Sea, CF32 0PP	Removal of two load bearing walls
2022/0344/BN	A	10, Wordsworth Avenue, Penarth, CF64 2RL	Loft conversion, change of hipped roof to gable as well as full rear dormer
2022/0350/BN	A	1, Porlock Close, Ogmere By Sea, CF32 0QE	Single storey extension and part garage conversion
2022/0352/BN	A	8, West Terrace, Penarth, CF64 2TX	Loft conversion with dormer

(b) Building Regulation Applications - Reject

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

2022/0219/BN	R	4, Blyth Close, Barry. CF62 9HG	Dormer loft conversion with Juliette balcony
--------------	---	---------------------------------	--

2022/0230/BN	R	9, Nantlais, Corntown, CF35 5SA	Garage conversion
2022/0253/BN	R	40, Ceri Road, Rhoose, CF62 3HF	Wrap around extension single front and rear and double side extension
2022/0263/BN	R	Beudyr Bwythyn, Llanquian Road, Aberthin. CF71 7HE	Proposed single storey extension and internal alterations
2022/0264/BN	R	Ty Bugail, Monknash. CF71 7QQ	Proposed alterations and extension to existing property to provide specialist medical facilities
2022/0280/BN	R	24, Britten Road, Penarth, CF64 3QJ	Re roof
2022/0311/BN	R	26, Cwrt y Vil Road, Penarth, CF64 3HP	Single storey rear extension, loft conversion, new garden room plus associated works

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

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

2022/0058/AI	A	Cardiff and Vale NHS Trust, University Hospital Llandough, Penlan Road, Llandough. CF64 2XX	Installation of a new sub- station and associated work
2022/0059/AI	A	13, Eastgate, Cowbridge, CF71 7EL	Single storey rear orangery extension with GRP roof
2022/0060/AI	A	4, Plover Way, Penarth, CF64 5FU	Construction of single storey rear extension including a Warm Roof System
2022/0061/AI	A	Stanford Cottage, Bonvilston. CF5 6TQ	Replacement of existing conservatory roof with a Warm Roof System (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2022/0062/AI	A	85, Holton Road, Barry, CF63 4HG	Relocation – Fit Out

2022/0063/AI	C	74, Clos Yr Wylan, Barry, CF62 5DB	Construction of single storey side extension including a Warm Roof System
2022/0064/AI	A	10, Sherbourne Close, Barry, CF62 8AQ	Garage conversion with elevated flat roof and window/door installation
2022/0065/AI	A	1, Wharton Close, Rhoose, CF62 3EG	Single storey rear extension
2022/0066/AI	A	12, Countess Place, Penarth. CF64 3UJ	Hip to gable flat roof dormer loft conversion with ensuite
2022/0067/AI	A	Land of Porthkerry Road, Rhoose. CF62 3BT	380 new residential dwellings
2022/0068/AI	A	8, Bradenham Place, Penarth. CF64 2AG	Change of use from dwelling to Day Nursery with single storey side and rear extension, internal structural alterations and refurbishment (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2022/0069/AI	A	1, Blaen Dewi, Wick, Cowbridge, CF71 7QG	Single storey side and rear extension
2022/0070/AI	A	44, Rhodfar Morwydd, Penarth, CF64 2UD	Garage conversion
2022/0071/AI	A	23, Seaview Place, Llantwit Major, CF61 1TF	Two storey rear extension
2022/0072/FUL	A	5, Eagle Road, St Athan, CF62 4NR	Single storey front and single storey rear extension
2022/0073/AI	A	103, St David's Crescent, Penarth, CF64 3NA	Upgrade of thermal element (walls and roof) to existing porch and utility area, new insulation and boarding to loft floor and enlarge existing loft access hatch
2022/0074/AI	A	12, Fulmar Close, Penarth, CF64 5FE	Single storey ground floor extension to two storey property

2022/0075/AI	A	Millands Farm, Llanmaes, Llantwit Major, CF61 2XR	130 residential unit(s)
2022/0076/AI	A	Doghill Farm, Dyffryn, CF5 6SU	New detached dwelling
2022/0077/AI	R	National Police Air Service, Batslays, Bro Tathan South, St Athan, CF62 4AG	Single storey modular extension to the North-East elevation of the existing building including refurbishment works
2022/0078/AI	A	Tusker Coach House, Main Road, Ogmore By Sea, CF32 0PW	Single story side extension and entrance lobby consisting of a warm flat roof
2022/0079/AI	A	127, Minehead Avenue, Sully, CF64 5TL	Replacement of existing conservatory roof with a Warm Roof System
2022/0080/AI	A	132, Fontygary Road, Rhoose, CF62 3DU	Ground and first floor extensions including internal alterations
2022/0081/AI	A	Cei'r Dwyrain, Barry, CF62 5EA	36 residential unit(s)
2022/0082/AI	A	36, Castle Street, Barry, CF62 6JR	Formation of a structural opening to accommodate installation of a lift
2022/0083/AI	A	18, Hywel Crescent, Barry, CF63 1DL	Single storey rear extension
2022/0084/AI	A	South Wales Equine Vets, Duffryn Bach, Clawddcoch, CF71 7UP	Internal alterations and refurbishment to ground and first floor of existing Equine unit, including the fit out of the adjacent newly created shell unit formed by the landlord.
2022/0085/AI	A	35, Uplands Crescent, Llandough, CF64 2PR	Construction of a single storey rear extension to existing dwelling plus upgrading of existing loft insulation and loft floor structure
2022/0086/AI	A	26B, Heol Y Fro, Llantwit Major. CF61 2SA	Replacement of existing conservatory roof with a Warm Roof System (works to incorporate material

2022/0087/AI A 6, Buttrills Road, Barry.
CF62 8EF

alterations to structure,
controlled services, fittings
and thermal elements)

Single storey rear
extension (works to
incorporate material
alterations to structure,
controlled services, fittings
and thermal elements)

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 8 JUNE, 2022

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

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

Decision Codes

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

2014/00229/3/N MA	A	Land at Barry Waterfront adjacent to Dock No. 1, Barry	Non material Amendment - Variation of Condition 20 as per cover letter. Planning approval 2014/00229/EAO - Discharge of Condition 44 Deletion of Conditions 1 and 2, Variation of Conditions 3, 5, 19 and 20 of 2009/00946/OUT for the development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1), community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle
----------------------	---	--	--

			access, including a new link road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision
2018/00123/1/N MA	A	2, Waycock Road, Barry	Non Material Amendment - Proposed roller shutter door to rear of garage omission of side door to garage. Extension to front of garage (area approved as covered area with ramp and posts to front of garage). Planning approval 2018/00123/FUL - Repositioning and resizing of detached garage as approved 2011/00972/FUL
2019/01385/1/N MA	A	Land off Cory Way, East Quay, Barry Waterfront, Barry	Non Material Amendment - Amend the wording of Condition 1 of RM ref. no. 2019/01385/RES, to enable the Affordable Housing Layout Plan and Materials Strategy Plan to be substituted. Planning approval 2019/01385/RES - Reserved matters submission for 56 dwellings at East Quay, Barry Waterfront (2009/00946/OUT)
2020/01419/FUL	A	53, Eastgate, Cowbridge	Proposed conversion of offices into 4 No. flats with proposed single storey rear extension, Juliet balcony and alteration works
2021/00676/1/N MA	A	2, Cae Gwyn, Penarth	Non Material Amendment - Reduce size of extension with new decking veranda / steps retained - to omit glazed gable frontage. Planning approval

			2021/00676/FUL - Extend to rear of dwelling, new kitchen/breakfast room with decking veranda / steps
2021/00684/LAW	A	17, Court Close, Aberthin	Create split level garden, relocate garden shed to left corner and summer house to right corner. Install rear post and rail with feather edge fence for added security along boundary with adjoining field
2021/01103/1/N MA	A	291, Gladstone Road, Barry	Non Material Amendment - Introduction of piers between approved fenestration. Planning approval 2021/01103/FUL - Demolition of existing rear flat roof structure. Proposed single storey rear extension(s) with hip to gable roof extension and alterations to fenestration design and all associated external works
2021/01140/FUL	A	3, Old Barry Road, Penarth	Variation of Condition 2 (Approved Plans and Documents) of Planning Permission 2018/01416/FUL: Erection of 2no. three storey side extensions, change of use to 5no. new dwellings and associated groundworks
2021/01208/FUL	A	2, Hayes Cottage, Methodist Lane, Llantwit Major	Proposed alterations and two storey extension with Juliet balcony to existing cottage
2021/01210/FUL	A	Ty Bugail, Monknash	Proposed alterations and two storey extensions with Juliet balcony to existing dwelling to provide specialist medical facilities

2021/01294/RES	A	East Quay, Barry Waterfront, Barry	Amended proposal: Variation of condition 1 and removal of Conditions 8 and 9 of Planning Permission 2019/01393/RES: Residential development for 58 units, together with single retail unit and all associated engineering works
2021/01353/FUL	R	30, Evenlode Avenue, Penarth	Two storey side extension. Enlarged dormer to side elevation, 1.5 storey double garage with a single storey rear extension and enlarged balcony to the front elevation
2021/01427/FUL	A	Y Rhodfa, Barry	Proposed temporary sales area in relation to the new Taylor Wimpey Residential Development at East Quay, Barry Waterfront
2021/01486/FUL	A	Hafod, 34, Robinswood Crescent, Penarth	Proposed ground floor extension to garage / front entrance hall; conversion of existing garage with first floor extension above forming new bedroom
2021/01491/FUL	A	The Gallery, 2, Broad Street, Barry	Change of use to enable weddings to be held at the venue. The use will also allow ceremonies to be held out in the rear garden. The music associated with the weddings will only be played on the ground floor
2021/01558/FUL	A	12, Llanmaes Road, Llantwit Major	Four detached bungalows with car parking served off private driveway
2021/01633/OBS	P	Pioneer, Talygarn, Pontyclun, Rhondda Cynon Taf	Proposed aggregates Recycling Facility

2021/01641/FUL	A	11, St. Teilo Close, Dinas Powys	Double storey side and single storey rear extension and separate single storey detached garage with retaining wall
2021/01669/FUL	A	23, Berkley Drive, Penarth	Proposed first floor extension over existing single storey extension to side, change tile cladding to Cedar Weatherboard cladding
2021/01682/LBC	A	Albert Primary School and Nursery, Albert Road, Penarth	The existing western boundary random stone wall to be taken down, as structurally inadequate, and rebuilt to match the existing structure, possibly at a reduced height
2021/01684/FUL	A	Sheriton, Cross Common Road, Dinas Powys	Single storey extension to front of property (previously approved but not built within five years)
2021/01691/FUL	A	30, Eagle Road, St. Athan	Single storey extension to rear of property to create kitchen and dining area
2021/01737/FUL	A	38, Eagleswell Road, Boverton	One storey extension
2021/01747/FUL	A	81, Arlington Road, Sully	Proposed extension to existing garage complete with dropped kerb (unclassified road)
2021/01783/FUL	A	Slab 5, Rotary Zone, Bro Tathan, Llantwit Road, St. Athan	Construction of a hangar building for employment uses and taxiway extension, with all associated works
2021/01795/FUL	A	5, Flanders Meadow, Llantwit Major	Proposed demolition and rebuild of existing extensions and alterations to roof and fenestration

2021/01796/FUL	A	35, High Street, Cowbridge	The proposed development involves the change of use of the ground floor level from class A1 (dry cleaners) to A3 (food & drink) and the change of use of part of the pavement to allow for the installation of an outdoor seating area, along with associated works.
2021/01797/LBC	A	35, High Street, Cowbridge	The proposed development involves the change of use of the ground floor level from class A1 (dry cleaners) to A3 (food & drink) and associated works.
2022/00013/FUL	A	20, Caynham Avenue, Penarth	The proposal is for a rear ground floor extension, to attach at the base of the existing lean-to roof
2022/00019/FUL	A	White Gate Lodge, A48, St. Nicholas	Double storey extension and extension of annex
2022/00025/FUL	R	The Park PH, Park Crescent, Barry	Erection of a timber framed shelter in existing beer garden; installation of some fixed seating beneath shelter; construction of timber bin enclosure; forming of new door end gable
2022/00026/FUL	A	19, Lakeside, Barry	The provision of two parking spaces at the front left of the curtilage of the property with new adjacent path
2022/00032/LBC	A	The Old School, Llysworney, Cowbridge	Replacement of windows with new like for like wooden windows including 4/6/4 slim spec low sight line, double glazed units

2022/00041/FUL	R	19, Canon Walk, Llandough, Penarth	Construction of new single garage with single storey and flat roof to the side of property
2022/00045/FUL	A	Sunny Bank, Cross Common Road, Dinas Powys	Construction of pre-fab double garage
2022/00051/FUL	A	9, Walston Road, Wenvoe	Extension to the existing property on one side of the house
2022/00056/FUL	A	Ysgubor Ty To Maen, Llancarfan	Demolition of existing conservatory and construction of rear single storey extension including replacement of all existing doors and windows
2022/00060/FUL	A	3, Harbour View Cottages, Northcliffe Drive, Penarth	Variation of Condition 2 of Planning Approval 2020/00702/FUL: Amendment to basement footprint and roof covering
2022/00071/FUL	A	100, Stanwell Road, Penarth	To replace the original single glazed timber windows in two rooms at the front of the house with new double glazed windows in an identical design
2022/00075/FUL	A	White Lion Hotel, Cowbridge Road, Ystradowen	Construction of further bedroom accommodation with parking plus re-arrangement of existing car parking
2022/00078/FUL	A	5, Badgers Brook Close, Ystradowen	Erection of a single storey rear extension with a window seat and side doors
2022/00080/FUL	A	104, Redlands Road, Penarth	Single storey side and rear extension plus associated works

2022/00085/FUL	A	45, Boverton Brook, Boverton, Llantwit Major	Existing master bedroom window to be replaced with double doors and Juliette balcony with half window either side of door
2022/00094/FUL	A	11, Ceiriog Close, Penarth	Single storey rear extension
2022/00095/FUL	A	7, Dunraven Street, Barry	Proposed loft conversion with rear dormers and rooflights to front of property
2022/00096/FUL	A	Llanfrynach Farm, Llanfâl Lane, Cowbridge	Replacement above earth banked nutrient store to comply with Environmental Permitting Regulations and SSAFO Regulations, and proposed Welsh Agricultural Pollution Regulations
2022/00097/FUL	A	Llanfrynach Farm, Cowbridge	Proposed Silage Clamp to comply with Environmental Permitting Regulations and SSAFO Regulations, and proposed Welsh Agricultural Pollution Regulations
2022/00099/FUL	A	The Old Post Office, Rock Road, St Athan	Change of Use from A3 coffee shop/tea room to a shop offering food and drink home delivery service with restricted hot food takeaway (Sui Generis/Use Class A3)
2022/00101/FUL	A	311, Gladstone Road, Barry	Single storey rear extension incorporating enlarged dining room, shower and utility rooms
2022/00102/FUL	A	The Vines, Llanbethery	Variation of Condition 1 of Planning Approvals 2012/00776/FUL and 2017/00115/FUL - To extend 5 year time limit: Erection of 2 storey rear

			extension following demolition of existing rear extension.
2022/00110/FUL	A	13, River Walk, Llantwit Major	Proposed garage conversion with pitched roof and ground floor extension
2022/00111/FUL	A	32, South Road, Sully	Extension and remodel of existing dwelling to include 2 storey side and rear extension, roof terrace and Juliette balconies to the rear, new flat roof dormer to front of property, internal alterations plus all associated works - including new access point of existing highway
2022/00115/FUL	A	13, Countess Place, Penarth	Proposed single storey rear extension and rear facing dormer loft conversion
2022/00118/FUL	A	40, Golwg Y Coed, Barry	Conversion of garage to habitable space plus single storey rear extension and all associated works
2022/00123/FUL	A	188, Redlands Road, Penarth	Ground floor extension to front and side of property
2022/00128/FUL	A	14, Cornerswell Place, Penarth	Alterations to roof to accommodate loft conversion to provide additional accommodation
2022/00132/FUL	A	16, Penarth Portway, Penarth	Modify and upgrade outside deck area- same footprint as existing. Construct walkway from deck to boat mooring on marina- same version walkway as neighbours. Extend front balcony. Replace door / window units. Internal garage conversion into kitchen.

			Convert garage door to double door- new door entrance into utility room
2022/00134/FUL	R	103, Ffordd Y Dociau, Barry	Installation of steel roller garage doors, at the front and back of the existing carport. The back garage door will replace an existing timber fence. The front garage door will be installed flush with the front wall of the house. Construction of parking space - convert a strip of land within the land boundary to the west of the building into a parking space
2022/00139/FUL	A	20, Clive Place, Penarth	Two number single storey rear extensions, alterations to existing rear elevation, window replacement to rear and side elevations, demolition of garage and new rear boundary wall
2022/00141/FUL	A	12, Britten Road, Penarth	Erection of part single storey, part two storey rear extension with alterations to the roof, erection of front dormer, as well as creation of new driveway and crossover.
2022/00142/FUL	A	Robin Hill, St. Hilary	Extension and alterations to the existing dwelling
2022/00148/FUL	A	3, Cosmeston Cottages, Lavernock Road, Penarth	Replace current stone wall at the bottom of the embankment to the rear of the property with a retaining wall and associated ground works.
2022/00149/FUL	A	Langholm, The Common, Dinas Powys	Demolition of a number of single storey rear extensions and replacement with rear

			extension containing single storey and 2 storey elements with a Juliet balcony. Removal of front porch and replacement with a dual pitched porch. Alterations to the ground floor windows on front elevation.
2022/00153/FUL	A	Ty Wynfawr, 3, Bridgeman Road, Penarth	The replacement of existing windows and wall tile hanging and changing of balcony finish, together with internal alterations
2022/00154/FUL	A	21, Baron Road, Penarth	Single storey rear extension and dormer addition
2022/00157/FUL	A	5, Powys Place, Dinas Powys	Demolition of existing single storey rear conservatory and construction of new single storey extension. Changes to rear fenestration and render to existing dormer. New side access door and window and extension to front porch with pitched roof. Internal remodelling as required to suit exterior changes.
2022/00158/FUL	A	3 Ty Draw Road, Llandow, Cowbridge	Demolition of existing side porch and construction of a single storey side extension to similar footprint, demolition of existing chimney, provision of PV solar array on south facing roof, alterations to fenestration and changes to exterior finishes
2022/00162/FUL	A	1, Badgers Brook Rise, Ystradowen, Cowbridge	Installation of replacement conservatory

2022/00169/FUL	A	Clawdd Coch Cottages, Pendoylan	Proposed single storey extension to form new kitchen
2022/00173/FUL	A	18, Hywel Crescent, Barry	Proposed single storey rear extension
2022/00184/FUL	A	20, Trem Y Bae, Penarth	Loft conversion. Internal conversion of existing loft including 6 no. skylights and 1 no. window, 2 no. bedrooms and 1 no. bathroom
2022/00185/FUL	A	Jordan Civils LTD, Tumulus Way, Vale Business Park, Llandow, Cowbridge	Variation of condition 2 of planning permission 2016/01322/FUL to 'update drawings to as built'
2022/00186/LBC	A	Dyffryn Gardens, Duffryn Lane, Dyffryn	Repairs to flat roofs to prevent water ingress.
2022/00190/RG3	A	Cowbridge Comprehensive School, Aberthin Road, Cowbridge	The construction of new office and pupil pastoral care accommodation
2022/00192/FUL	A	30, Clive Place, Penarth	Demolition of single storey rear extension. Construction of single storey rear extension and single storey side extension
2022/00194/FUL	A	11, Aneurin Road, Barry	Proposed single storey extension to side of existing domestic dwelling
2022/00206/FUL	A	12, Purcell Road, Penarth	Remove existing detached garage structure. Proposed single storey rear and side extension with front porch structure and all associated external works, including replacement roof covering
2022/00208/FUL	A	Howe Motors, Powell Duffryn Way, Barry	Replacement garage

2022/00209/FUL	A	The Deck Restaurant, Penarth Portway, Penarth Marina, Penarth	The construction of a new single storey glazed extension on the existing raised balcony
2022/00211/LAW	A	36, Wimborne Crescent, Sully	Proposed single storey rear extension and alterations
2022/00216/FUL	A	22, The Heathers, Barry	Proposed single storey extension to the rear of existing domestic dwelling
2022/00218/FUL	A	33, Murch Road, Dinas Powys	Single storey rear extension to semi detached property
2022/00219/FUL	A	21, Peterswell Road, Barry	Loft conversion to make one additional bedroom with ensuite bathroom. Dormer and hip to gable conversion
2022/00231/FUL	A	27, Burdons Close, Wenvoe	Construct single storey orangery rear extension
2022/00233/FUL	A	1, Dannog Y Coed, Barry	Single storey infill between house and garage
2022/00236/LBC	A	Penllyn Castle, Penllyn	Alterations to existing cottage and rebuilding and extension of lean to greenhouses. Rebuilding of former glasshouse and construction of adjacent summer house
2022/00237/FUL	A	Penllyn Castle, Penllyn	Alterations to existing cottage and rebuilding and extension of lean-to greenhouses. Rebuilding of former glasshouse and construction of adjacent summer house
2022/00242/FUL	A	5, Rhodfar Mor, Rhoose	Installation of first floor balcony to front of property, accessed by replacing existing window with a new doorway. Existing ground

			floor window to be replaced with new doorway, leading to new paved area with glass balustrade surround. Replacement of existing windows
2022/00245/FUL	A	10, Wordsworth Avenue, Penarth	Loft conversion to include change of hipped roof to gable, alteration to side elevation window, as well as full rear dormer, to create master bedroom
2022/00246/FUL	A	58, Llanmead Gardens, Rhoose	Remove the existing front dormer and build on top of ground floor walls to form a first floor extension; Build new single storey rear extension
2022/00250/FUL	A	The Anchorage, 15, Plas St. Andresse, Penarth	Metal powder coated balcony with associated glass balustrade
2022/00252/FUL	A	Tusker Coach House, Main Road, Ogmore By Sea	Single storey side extension
2022/00255/FUL	A	Crossways, 82, Westward Rise, Barry	To scratch render the entire house which is currently red brick. To replace the existing wooden garage with a brick built white rendered garage to match the house
2022/00256/FUL	A	67, Plassey Street, Penarth	Proposed single storey ground floor rear extension and internal alterations
2022/00258/FUL	A	Ash Hall, Ystradowen	Replacement and enlargement of rear porch veranda
2022/00261/ADV	A	Tesco, Stirling Road, Barry	Retrospective application to Install 1x42" LCD Media Screen 3 x 1250mm x 700mm Flag Pole Signs with overall height 2450mm

2022/00269/FUL	A	9, Goldsland Walk, Wenvoe	Conversion of existing integral single garage into a living space
2022/00270/FUL	A	Robinswood, Bridgeman Road, Penarth	Replace current roof with new roof tiles
2022/00273/FUL	A	Time House, 168B, Regent Street, Barry	Change of roof material from corrugated cement fibre board to cement fibre slates. Roof is currently in need of repair/ replacement
2022/00276/FUL	A	14, Harbour View Road, Penarth	Single storey flat roof extension to side return facing Plassey Square. Loft conversion to include new cabrio roof windows to front and flat roof dormer to rear
2022/00277/FUL	A	White Lodge, Ystradowen	Proposed garden lodge and sauna
2022/00279/FUL	A	Bondehurst, Greenfield Way, Llanblethian, Cowbridge	Variation of Condition 2 (Plan Specification) of Planning Approval 2021/00934/FUL: A single storey side extension to create a kitchen/diner. Single storey rear extension to create another bedroom at a mezzanine level. Dormer off the existing roof to maximise the ceiling height to create an en suite.
2022/00288/LAW	A	The Beeches, A48, St. Nicholas	Residential garden
2022/00290/FUL	A	3, Edith Road, Dinas Powys	Replacement of existing hipped roof to gable roof. Loft conversion with rear flat roof dormer

2022/00296/FUL	A	Highwall Cottage, 18, Highwalls Avenue, Dinas Powys	Erection of timber cabin on concrete base primarily for office. Provision of safe access from rear yard. Regrading of lawn
2022/00304/PNA	R	Cae Hafan Fields, Adjacent to A4050, Wenvoe	Wooden shed for agricultural storage purpose
2022/00307/FUL	A	17, Old Port Road, Wenvoe	Replacement of conservatory with oak framed extension, extending existing lean to entrance lobby
2022/00308/FUL	A	13, Mountjoy Crescent, Penarth	Single storey side and rear extension plus all associated works
2022/00310/FUL	R	50, Clive Place, Penarth	Create a driveway from Clive Place to front of house
2022/00315/FUL	A	3, Church View Close, Llandough	Single storey rear extension
2022/00318/FUL	A	2, Drylla, Dinas Powys	Single storey side extension
2022/00320/FUL	A	24, Powys Gardens, Dinas Powys	Two storey side extension comprising of hall, WC kitchen and 2 no. bedrooms
2022/00324/FUL	A	2, Lord Street, Penarth	Proposed ground floor side extension, first floor rear extension and loft conversion
2022/00333/FUL	A	34, Tennyson Road, Penarth	Erection of a single-storey rear extension and two-storey side extension. Demolition of existing conservatory
2022/00346/FUL	A	Duffryn House, The Causeway, Llanblethian, Cowbridge	Construction of a timber framed modular garden studio measuring 3m (W) x 2.5 (D) built on an

			adjustable steel frame which sits on concrete pad stones on mini piles, height will not exceed 2.5m
2022/00350/FUL	A	The Old Dairy, Llandow	Installation of ground mounted domestic solar panels (PV), on an area of unused land, to supply The Old Dairy
2022/00352/FUL	A	55, Westbourne Road, Penarth	Two storey and single storey rear extensions with addition of single storey porch including associated works and widening of existing vehicular access
2022/00361/FUL	A	Duffryn Llof Farm, Tredodridge	Two storey rear extension
2022/00363/PND	A	5, Llandough Trading Estate, Llandough, Penarth	Demolition of ancillary accommodation block abutting the front elevation of the warehouse
2022/00364/LAW	A	19, Sully Terrace, Penarth	Proposed rear loft dormer extension
2022/00367/FUL	A	9, Pembroke Close, Dinas Powys	Increase the internal height of a bedroom at rear of existing first floor extension by raising the roof line. to be replaced by a hipped roof, alterations to windows, extension to front of the property and bay window to the front room
2022/00371/FUL	A	Land off Spitzkop Road, Llantwit Major	Variation of Condition 2 of planning permission 2020/00360/FUL to include a single storey rear extension to Plot 1
2022/00373/FUL	A	11, Knowbury Avenue, Penarth	New 2 storey extension to rear with solar panels to the roof

2022/00374/OBS	N	Land South of Creigiau (Planning reference number for Cardiff 19/02523/MJR)	AMENDED PLANS - Outline planning application with all matters reserved except for strategic access, for the development approximately 650 dwellings, including open space (including play areas and areas of informal recreation), landscaping, sustainable drainage systems, vehicular accesses, improvement works to the existing highway network, pedestrian and cycle accesses and related infrastructure and engineering works
2022/00377/FUL	A	Splott Farm, St. Donats	Extension to existing grain store
2022/00385/FUL	A	Santa Clara, 20, Evenlode Avenue, Penarth	First floor extension to front
2022/00407/FUL	A	Tennis Club, St. Andrews Road, Dinas Powys	Rear single storey flat roof extension to reposition changing rooms and provide disabled facilities and access
2022/00414/FUL	A	West Down, Cross Common Road, Dinas Powys	Replacement agricultural building
2022/00417/FUL	A	2, Sullivan Close, Penarth	Single storey extension incorporating a kitchen, utility and WC
2022/00427/LAW	A	2, Royal Close, Penarth	Conversion of existing (internal) garage to office/study
2022/00430/FUL	A	8, Castle Green, St. Georges Super Ely	Demolition and rebuilding of the rear extension

2022/00432/FUL	A	Bryn Glas, 39, Broadway, Llanblethian, Cowbridge	Proposed 2 storey side extension and proposed single storey rear extension
2022/00459/OBS	B	Ty Maen and White Lodge, Ystradowen	Proposed overhead line works
2022/00485/OBS	S	Land East of St. Athan (CAS-01847-Z9D2Q2)	Ground mounted photovoltaic (PV) solar farm with an electrical generating capacity of approximately 20 MW and battery storage
2022/00509/OBS	P	Land at Fforest Wood Quarry, Cowbridge Road, Talygarn, Pontyclun	Construction of Aggregates Recovery Facility

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 8 JUNE 2022

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2021/00684/LAW
Appeal Method: Written Representations
Appeal Reference No: CAS-01783-P9Y7H4
Appellant: Mrs Sharon Campbell
Location: 17, Court Close, Aberthin
Proposal: Appeal against non-determination to create split level garden, relocate garden shed to the left corner and summerhouse to the right hand corner. Install a rear post and rail with featheredge fence for added security along the boundary with the adjoining field.
Start Date: 20 April 2022

(b) Enforcement Appeals Received

None.

(c) Planning Appeal Decisions

LPA Reference No: 2021/00684/LAW
Appeal Method: Written Representations
Appeal Reference No: CAS-01783-P9Y7H4
Appellant: Mrs Sharon Campbell
Location: 17, Court Close, Aberthin
Proposal: Appeal against non-determination to create split level garden, relocate garden shed to the left corner and summerhouse to the right hand corner. Install a rear post and rail with featheredge fence for added security along the boundary with the adjoining field.
Decision: Appeal Withdrawn
Date: 28 April 2022
Inspector: N/A
Council Determination: Delegated

LPA Reference No:	2020/01428/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-01361-Y0C7V3
Appellant:	Mrs Audrey Harding
Location:	Lily Cottage, The Butts, rear of 10, Westgate, Cowbridge
Proposal:	Conversion of existing holiday let into separate dwelling
Decision:	Appeal Dismissed
Date:	17 May 2022
Inspector:	I Stevens
Council Determination:	Delegated

Summary

The main issue was considered to be whether the proposed development would provide acceptable living conditions for existing and future occupants with regard to amenity space.

The appeal site was a two-storey detached building converted into a holiday let and was located in the rear garden of no. 10 Westgate, a two-storey terraced dwelling within the Cowbridge and Llanblethian Conservation Area. The proposal was to convert the building into permanent residential use and would divide the garden of no. 10 in two, thereby providing a garden for the proposed dwelling while retaining separate reduced, garden space for no. 10. A 1.8m close boarded post and rail fence would separate both gardens.

The Inspector identified that Policy MD2 of the LDP states that proposals should provide private amenity space in accordance with the Council's design standards set out in its Residential & Householder Development SPG. This recognises that amenity space provides a number of important functions which contribute towards a resident's enjoyment of a property including space for relaxation, entertainment and play; gardening and cultivation; clothes washing and drying; DIY; and waste, cycle and other domestic storage.

Design Standard 4 in the SPG states that for houses, a minimum of 20 sqm amenity space per person should be provided and the majority should be private garden space. The Inspector noted that the Council's figure of 26 sqm was based on a measurement of the site plan and on that basis, the shortfall in provision would be significant and less than half of the amount required in the SPG based on a two-bedroom house. The proposed dwelling would have adjoining garden space, accessed from the shared footpath with no. 10, however while the rectangular shape would provide a useable space for the occupants, the Inspector considered that it would be a particularly small space for a private garden.

The creation of separate amenity space for the proposed dwelling would result in a smaller amenity space for no. 10 and the amount of remaining amenity space, at 36 sqm, would also be significantly less than that required by the SPG. The submitted plan indicated that part of the upper garden would also be given to no. 10, however this area would have less of a practical

function because it included a narrow pathway from the rear gate and a small space between the retaining wall and proposed fence divide.

Whilst the Inspector recognised that the appeal site was located in an urban area with access to public open spaces nearby, several of the functions of private amenity space would not be available in public open spaces, such as clothes drying, domestic and refuse storage and private relaxation space and these spaces did not therefore compensate for a significant shortfall in amenity space. The Inspector considered two examples of residential schemes in Cowbridge where the appellant contended that the SPG amenity space standards had not been fully met. The Council's evidence that the provision of amenity space either met the standards or fell just short was however accepted and it was concluded that they were not therefore comparable to the proposal where the shortfall in amenity space would be significant.

The appellant contended that the appeal proposal would provide a more affordable housing solution, however the Inspector failed to see how that would justify a relaxation of the amenity space standards to the extent proposed. Individuals or young couples without children would still have the need for amenity space and the SPG standards were based on the number of likely occupants and did not differentiate by their demographics or likely use of the space.

The Inspector therefore conclude that the proposal would fail to provide acceptable living conditions for existing and future occupants with regard to amenity space and consequently, the proposal would be contrary to Policy MD2 of the LDP and the amenity standards set out in the Residential and Householder Development SPG and that the appeal should therefore be dismissed.

(d) Enforcement Appeal Decisions

None.

(e) April 2022 – March 2023 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	1	-	1	-
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		1 (100%)	- (0%)	1	-
Committee Determination		-	-	-	-
Other Planning appeals (inc. appeal against a condition)		-	-	-	1
Enforcement Appeals	W	-	-	-	-
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		-	-	-	-
All Appeals (excludes non validation appeals)	W	1	-	-	1
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		1 (100%)	- (0%)	1	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 : 8 JUNE, 2022

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved
E - Split Decision

R - Refused

2022/00010/TPO	A	127, Pontypridd Road, Barry	Work to Tree(s) covered by Tree Preservation Order No. 4 1991, Take down and removal of Beech tree, located on front driveway of property - ID: T01
2022/00130/TPO	R	7, Tarrws Close, Wenvoe	Work to Tree(s) covered by Tree Preservation Order - No. 04, 1951 -Carry out pruning work to the two mature Horse Chestnuts situated at the bottom of the rear garden, in the adjoining park. Prune back all lower young growth on both trees overhanging the garden. Reduce heavier higher lateral branches by 25% back to suitable pruning points.
2022/00180/TPO	A	Wick Chapel, Chapel Road, Wick	Works to Trees under TPO - No. 02, 1976 -Routine pruning works to one protected Sycamore and one protected Sycamore coppice stump
2022/00221/TPO	A	St. Bleddian Church, Church Road, Llanblethian, Cowbridge	Work to trees covered by Tree Preservation Order 1973, No. 7 - Various Trees - See form

			for full details The trees are located in the churchyard of St. John the Baptist Llanblethian.
2022/00243/TPO	E	Church Lane, Llantwit Major	To fell a total of three trees - one Ash tree and two Sycamore trees
2022/00262/TCA	A	31, Victoria Road, Penarth	Work to Tree(s) in a Conservation Area: T.1 - Robinia - Fell X 2 smaller stems to ground level, reduce remaining larger stem, just low over extended limb over garden area. T.2 - Smaller Bay tree - Fell and grind stump. T.3 - Larger Bay tree - Fell and grind stump
2022/00301/TCA	A	104, Plymouth Road, Penarth	Work to Tree(s) in a Conservation Area: Dismantling and removal of 2 Conifers by wall in rear garden. Dismantling and removal of Bay tree in rear garden
2022/00383/TCA	A	Court House, Llanbethery	Work to trees in a Conservation Area: Removal of 1x Sycamore (T1) located in rear garden
2022/00384/TCA	A	Bridge House, 95, Broadway, Llanblethian, Cowbridge	Work to Trees in Llanblethian Conservation Area: Remove Laurel at roadside
2022/00466/TCA	A	Glan Yr Afon, Llancarfan	Work to Tree(s) in a Conservation Area: T001- Norway Spruce to be removed. T002-Lleylandii Cypress to be removed. T003- Ash to be removed. T004-Apple height to be reduced below pocket of decay at union. G001- 6x Immature Ash to be removed

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **8 JUNE, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. GENERAL PLANNING MATTERS

Meeting of:	Planning Committee
Date of Meeting:	Wednesday, 08 June 2022
Relevant Scrutiny Committee:	Environment and Regeneration
Report Title:	Public Rights of Way Sub-Committee Membership
Purpose of Report:	To confirm the appointment of a Public Rights of Way Sub-Committee.
Report Owner:	Director of Place.
Responsible Officer:	Phil Chappell, Operational Manager, Regeneration.
Elected Member and Officer Consultation:	None.
Policy Framework:	None.
Executive Summary: <ul style="list-style-type: none">• Appointment of the Public Rights of Way Sub-Committees is required for each Municipal Year. The Public Rights of Way Sub-Committee (comprising five Members) was included in the "Political Balance" table which was used at the Annual Meeting on 23rd May 2022 in terms of the appointment of Committees generally.• Based on "Political Balance" the membership of the Sub-Committee is to comprise 2 Labour Group Members, 1 Conservative Group Member, 1 Plaid Group Member, 1 Llantwit First Group Member.• The report seeks to confirm the appointment to the 5 positions of the Sub-Committee.	

Recommendations

1. That the Public Rights of Way Sub-Committee comprising 5 Members as set out in paragraph 2.2 of the report (2 Labour, 1 Conservative, 1 Plaid and 1 Llantwit First) be appointed.

Reasons for Recommendations

1. To confirm the appointment of the Public Rights of Way Sub-Committee for 2022/23.

1. Background

1.1 The Committee is required to confirm the appointment of any Sub- Committees required for each Municipal Year. The Public Rights of Way Sub- Committee (comprising five Members) was included in the "Political Balance" table, which was used at the Annual Meeting on 23rd May 2022, in terms of the appointment of Committees generally.

1.2 The requirements of the Local Government and Housing Act 1989 require the Council, as far as is practicable, to reflect in the allocation of seats across all Committees the overall representation of each Political Group on the Council. As part of this exercise, it is often necessary for a Group or Groups, to have to make certain adjustments to their seat numbers indicated in order to give effect to the requirements of the Act.

2. Key Issues for Consideration

2.1 The Terms of Reference of the Sub-Committee are as follows:

(1) To consider and determine under delegated powers applications for Orders to divert, create and extinguish public rights of way, made under Sections: 25, 26, 118 and 119 of the Highways Act 1980 where opposition has been raised as a result of pre-order consultation and remains unresolved.

(2) To consider and determine under delegated powers applications for Orders to divert, create and extinguish public rights of way affected by development under Section 257 of the Town and Country Planning Act 1990 where opposition which has been raised as a result of pre-order consultation remains unresolved.

(3) To consider and determine under delegated powers applications made under made under Sections 53(3)(b), 53(3)(c) and 54 of the Wildlife and Countryside Act 1981 in respect of modifications of the Definitive Map.

2.2 Prior to the Annual Meeting, the respective Group Leaders provided the following names of Members to be appointed to the Sub-Committee:

Labour (2): Councillors P. Drake and N.C. Thomas

Conservative: (1): Councillor G. Bruce

Plaid: (1) Councillor N.P. Hodges

Llantwit First Independents: (1): Councillor E. Williams

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

3.1 The Well-being of Future Generations (Wales) Act sets out effective transparency as a key part of improving the delivery of public bodies.

3.2 The Act requires public bodies to communicate and explain the processes of selecting its well-being objectives and how these objectives have been chosen, how decisions are taken in line with these objectives and what difference these objectives have made.

3.3 The importance of presenting the report is to ensure that transparency has taken place and to inform the Council and the public of the above arrangements which are required to be undertaken annually to comply with the Council's Constitution.

4. Resources and Legal Considerations

Financial

4.1 None.

Employment

4.2 None.

Legal (Including Equalities)

4.3 None.

5. Background Papers

[Public Rights of Way Sub-Committee Membership – September 2021](#)

[Council Constitution – section 14 – responsibility for functions](#)

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **8 JUNE, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

6. PLANNING APPLICATIONS

Background Papers

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

2018/01408/FUL Received on 21 January 2020

APPLICANT: Hafod Housing, C/o Agent

AGENT: Mr Steffan Harries, LRM Planning, 22, Cathedral Road, Cardiff, CF11 9LJ

Former Cowbridge Comprehensive School, Aberthin Road, Cowbridge

Proposed demolition of existing school, development of 34 dwellings (30 flats and four houses) and associated works including the construction of bespoke bat roost, access/parking and landscaping

AREASON 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 that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

The application site relates to land and buildings at the former Cowbridge Comprehensive Sixth Form and ancillary buildings which are currently vacant, on Aberthin Road. This is a full application by Hafod Housing Association, as amended, for the demolition of the existing former school building and ancillary structures, and their replacement with a development of 34 affordable homes, comprising 30 flats and four houses

The main issues involved in the assessment of the application, given that the site is allocated for housing within the Local development Plan, is the acceptability of the demolition of vacant Victorian School and the loss of that building balanced against the need to provide affordable housing. In addition, consideration is also given to the acceptability of the scale, massing and design of the flatted blocks and dwellings, density and its impacts on the character of the area. Other considerations include the impact on residential amenity and privacy, parking, highway safety, trees, noise and air quality, ecology, archaeology and drainage.

To date some 550 letters of representation have been submitted along with petitions which, whilst some support the principle of residential development of the site, generally object to the proposal submitted principally on the grounds of the demolition of the school. Objections are also raised relating to scale and the character of the area, traffic, and impact on amenity. In addition, strong objections have also been received from Cowbridge Town Council, interest groups and a number of MPs and Senedd Members.

The application is recommended for approval, subject to conditions and a S106 Legal Agreement securing financial contributions totalling £122,752.

SITE AND CONTEXT

The application site relates to land and buildings at the former Cowbridge Comprehensive Sixth Form and ancillary buildings which are currently vacant, in Aberthin Road. The wider site area measures approximately 0.53 hectares in size and is broadly rectangular in shape, though slightly wider towards the north-eastern end of the site. In terms of topography, the site is generally flat, albeit it lies slightly set down below the road level.



The former school buildings are of late Victorian construction, opened in 1896 and comprise a substantial, partially single storey, but predominantly two-storey building. Steep pitched roofs, tall windows and dark stone construction give the former school a dominant presence on the street scene, highly visible on the approach from either a southerly or northerly direction. In addition to the school, there is also a more modern demountable single storey building to the rear of the site. The building is constructed in local, dressed, sandstone blocks arranged in random courses. The roof is finished in slate.

The eastern boundary of the site faces directly onto Aberthin Road (the A4222), on the opposite side of which are existing dwellings, elevated above the road, and an undeveloped heavily vegetated area. The short southern boundary and the majority of the longer western boundary are flanked by the rear of dwellings on Slade Close and Millfield Drive. Many of these properties are two-storey semi-detached or detached houses. The northern boundary meets the flyover of the Cowbridge by-pass (A48), with Cowbridge Comprehensive School located on the other side of the flyover on Aberthin Road.

The local vernacular within the immediate context of the site is varied, including a mix of both detached dwellings on Aberthin Road, and smaller semi-detached dwellings of post war construction along Millfield Drive and Slade Close.

The site is located within the settlement boundary for Cowbridge as defined in the Local Development Plan (LDP). The site is also allocated for housing under Policy MG2 (18) of the LDP. The site does not lie within a Conservation Area, nor are there any listed buildings, scheduled ancient monuments or public rights of way within the site vicinity. There are four TPO trees within the site, comprising three Lime trees to the rear and a Yew tree to the front of the site.

DESCRIPTION OF DEVELOPMENT

This is a full application by Hafod Housing Association, as amended, for the demolition of the existing former school building and ancillary structures, and their replacement with a development of 34 affordable homes, comprising 30 flats and four houses. The accommodation would comprise of the following:

- 4no. 1 bed wheelchair accessible apartments
- 6no. 2 bed apartments
- 20no. 1 bed apartments
- 4no. houses (1 x 4 bed, 1 x 2 bed and 2 x 3 bed)

In addition to the new homes, various associated works are proposed including the forming of a new access, car parking provision, erection of a bat roost, cycle storage, planting, and other landscaping works including natural play space.

The proposed houses would vary in size and scale from the largest 4 bedroom property which has an eaves height of some 6.7m and ridge of 10m and the smaller dwellings which have circa 5.2m eaves and 8.5m ridge heights.

Flatted Block A measures a width of some 21.9m by a depth of 18m, with eaves heights of 8.7m and ridge height at 13.5 (when measured from the lower internal levels).

Flatted Block B measures a width of some 21.9m by a depth of 20m, with eaves heights of 6.2m and 8.1m and ridge heights at 10m and 12.6m (when measured from the lower internal levels).

The flatted blocks would be connected by a 3m wide flat roof section which would be used as a bin store.

Materials and finishes on the flats and dwellings are stated as being a mix of grey and cream buff light textured facing brickwork with neutral mortar, stone or reconstituted facing stonework details and stone coping system to all parapet walls, double glazed PVCu and GRP grey doors and windows and fibre cement slate tiles. Block B would have fibre cement slate tile hanging on the upper parts of the side elevations.

The site would be accessed via a new crossover from the highway, leading to an internal access road, turning and parking area. The parking area for the flats would be located to the rear of the site and comprises 30 spaces. The parking area serving the dwellings would be to their fronts and would comprise two spaces per unit. The scheme includes

communal cycle storage comprising 12 spaces with an enclosed cycle store located between the parking bays and six spaces internally, accessed from the ground floor corridors.



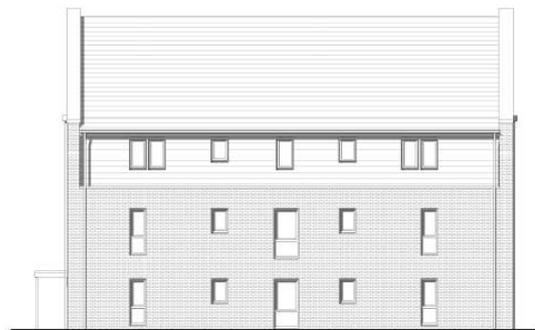
Front Elevation



Side Elevation - North



Rear Elevation

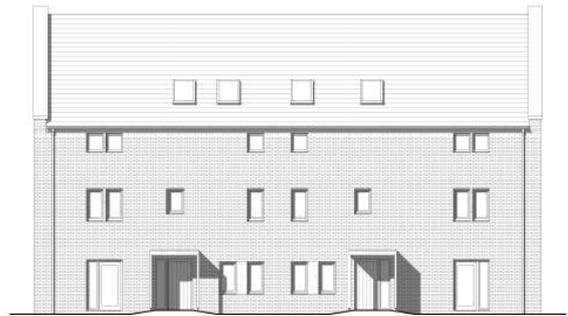


Side Elevation - South

Apartment Block A Elevations



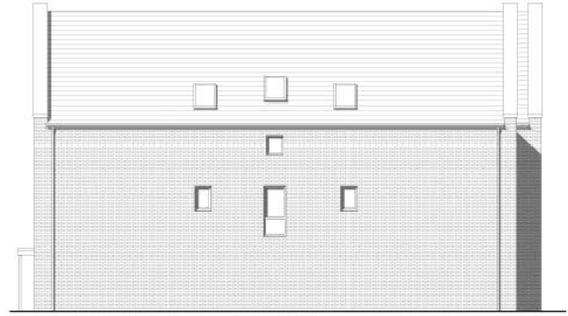
Front Elevation



Side Elevation - North



Rear Elevation



Side Elevation - South

Apartment Block B Elevations



Section from Aberthin Road from Ground Floor Level



View from Aberthin Road

2005/00687/REG3: Cowbridge Comprehensive School, Aberthin Road, Cowbridge,
Proposal: Renewal of permission for one single storey double demountable classroom,
Decision: Approved

CONSULTATIONS

Cowbridge with Llanblethian Town Council were initially consulted on the original scheme (for 43 flats and 5 houses) and objected. The Town council has concerns over the proposed access and egress onto a busy road and junction on a school pedestrian route. There is also inadequate parking provision and the development would result in the loss of a historic building and Yew tree on the site. The height of the proposed building is significantly greater than the surrounding built development and the use of brick finish is not in keeping. In addition, the Town Council have indicated that the noise survey has only been completed at ground level, which is inadequate given the proposed height of the development and there is a lack of green space proposed.

The Town Council have also indicated that they would support the listing of the Former Cowbridge Comprehensive School as a County Treasure and also the protection of the Yew Tree and other trees to the rear of the site under a Tree Protection Order (TPO).

The Town Council also responded following further consultations on amended plans, continuing to raise an objection. In respect of their most recent comments, they agreed to write an open letter to all of those involved in this matter to express the views of the Town Council. In summary they state that a campaign group has done a lot of work to research and highlight the historical and architectural importance of the building and have sought to have it listed. CADW rejected the listing application, but the campaign group are appealing against that decision via the Petitions Committee of the Welsh Government and succeeded in securing a debate in the Senedd which took place on 16th February 2022. In that debate it was noted that planning application will be considered by the Vale of Glamorgan Council Planning Committee on 2nd March and those who wish to preserve the building were urged to write to the Vale of Glamorgan Council. The owner of the building is the Cowbridge Comprehensive School Trust, a registered charity and their position is that the Hafod proposal is the only viable option and that if it does not go ahead they will be left with a dangerous and decaying building. The campaign group, believe that they have developed a viable alternative scheme that will provide good quality social housing whilst retaining the existing building, however they say that the buyer's efforts to work with both Hafod and the Cowbridge Comprehensive School Trust have been rejected.

Cowbridge Ward Members were consulted and former **Councillors Geoff Cox and Hunter Jarvie** have responded objecting to the proposal as they consider the proposal as a massive overdevelopment of the site which is illustrated by the proposal to build more than double the number of homes allocated to the site in the Local Development Plan (LDP). In addition, it will have a severe adverse effect on the properties at New Forest View and Millfield Drive.

The Council's Highway Development Team initially requested that the proposal be amended to include vehicle tracking for refuse vehicles, 11 more spaces to comply with the Council's maximum parking standards, the need to create a combined pedestrian/cycle footway along the length of the development on Aberthin Road, the location of the tactile paving, stopping up of the existing accesses and surface water drainage details.

Following the submission of amended plans and in light of a reduction in the number of units to 34, and a number of design changes, all of the matters raised have been addressed / complied with, except for the request for a 2m footway to the rear of the turning head and the provision of street lighting, which is considered in detail in the report below.

The Council's Highways and Engineering Team were consulted and raised no objections subject to a drainage scheme being submitted to demonstrate how surface water drainage will be disposed from the site, along with details of the management and maintenance of the proposed drainage scheme.

Shared Regulatory Services were consulted and have made the following comments:

(Pollution) - Noise

Having considered the noise report, the EHO required precise dimensions of the proposal and precise distances for noise measurements. In addition, he would like noise calculations based on logarithmic averaging of noise readings rather than arithmetical averaging and also taking into account noise at height from the A48 on the uppermost floors of the apartment block.

The Council's SRS Team have reviewed the amended noise assessment and are satisfied with the noise mitigation for the development as detailed in the report, however a condition is recommended for the roof areas to ensure that prior to occupation, a noise survey shall be undertaken to demonstrate that all habitable rooms in the attic space achieve an acceptable noise level.

(Pollution) - Air Quality Perspective

An Air Quality Assessment (AQA) was submitted and details the results of the air quality assessment and discusses the potential dust and fine particulate matter impacts associated with the construction phase, and a discussion of the potential air quality effects associated with vehicle emissions in the operational phase. There are no objections on the grounds of air quality subject to a condition.

(Contamination)

Have requested a condition in respect of unforeseen contamination, imported soil and aggregates, use of site won material and an informative note in respect of contamination and unstable land.

Dwr Cymru Welsh Water were consulted and raised no objection subject to no surface water and/or land drainage being allowed to connect directly or indirectly with the public sewerage network and have requested an advisory note for the applicant in respect of sewers running through the site and connections.

The Council's Ecology Officer was consulted and initially raised a holding objection stating that the applicant should liaise with NRW regarding further surveys required for bats and the provision of mitigation/compensation. It was advised that when NRW are satisfied with the proposals, and remove their significant concerns, the LPA ecologist will then be in a position to assess the application with respect to bats and other

protected/priority species and habitats. In addition, given the importance of the site for numerous light-sensitive species of bats, there is a requirement that the applicant design the (external) lighting for the scheme prior to determination.

Natural Resources Wales- NRW initially raised significant concerns with the proposed development as submitted and further information was required to demonstrate the proposal will not be detrimental to the maintenance of the favourable conservation status of Bats, a European protected species.

Following the above numerous meetings took place between the applicant, local authority and ecologists, and following the submission of additional reports and plans NRW are now satisfied that their concerns can be overcome subject to the relevant documents being included in the approved plans and documents condition on the decision notice.

The Council's Waste Management Team was consulted and no comments have been received to date.

The Council's Affordable Housing Enabler was consulted and has stated that this is a 100% affordable housing scheme, which the housing services team supports along with the units size and mix proposed.

Police (Secured By Design) Officer was consulted, although no comments have been received to date.

Glamorgan Gwent Archaeological Trust (GGAT) were consulted and stated that the school buildings are of historic significance and consideration should be given to the preservation of the buildings. In any event, should the buildings be preserved or otherwise, GGAT recommend a record should be made of the buildings given their significance at predetermination stage. In addition, GGAT state that the Historic Environment Record suggests there remains the possibility that remains may be encountered during the course of any development and requested an archaeological evaluation prior to any determination of this application.

Following the submission of an evaluation conducted by Headland Archaeology, GGAT agree with the evaluation's conclusion that 'the likelihood of any potential buried archaeological features is highly unlikely'. They have also stated that the outstanding matter of building recording can be dealt with by way of condition.

REPRESENTATIONS

The neighbouring properties were consulted on 3 January 2019 and were reconsulted several times in light of the amended plans and additional information being submitted, where the last consultation undertaken was 9 February 2021. A site notice was also displayed on 4 January 2019 and the application was also advertised in the press on 7 January 2019.

To date some 550 letters of representation have been submitted. Whilst some support the principle of residential development, the representations generally object to the proposal on the following grounds, with the main points raised summarised below:

- The proposal will result in loss of a landmark historic building,

- The building has great historic, architectural and educational importance and should not be demolished, but should be converted into social housing.
- Greater emphasis on sustainability and increasing moves towards the conversion of historic school buildings for residential use
- CADWs decision not to list the building does not adequately consider the relevance of this building
- The density of the development is considerably higher than outlined in the LDP for 20 dwellings
- The scale and character of the proposal is not in keeping with the two storey houses immediately neighbouring the site or within the context of a rural town like Cowbridge.
- Loss of privacy and overlooking of neighbouring properties
- The amenity and outlook of the ground floor dwellings fronting Aberthin Road is severely compromised given that they are substantially lower (1.8m) below the pavement level.
- The proposed buildings in the application are too high
- The proposed development will be very overbearing to existing dwellings on Millfield Close.
- Insufficient parking provision and inadequate assessment of the impact of additional traffic on Aberthin Road.
- Existing services in Cowbridge are already at capacity
- Little public transport and employment in the immediate area

In addition to the above letters from the public, the letters received include those from, amongst others, Jane Hutt MS, Alun Cairns MP, Joel James MS, Cross Party letter from various Senedd Members, Cowbridge and Llanblethian Residents Group, Victorian Society, Cowbridge History Society and Cardiff Civic Society, all of which raise the same objections as summarised above.

In addition, Save Britain's Heritage have presented an alternative scheme, showing 23 apartments within the school as well as 12 new apartments and two new houses on the adjacent land.

A petition of 2,274 signatures has been submitted objecting to the development on the following summarised grounds:

- Density of development is higher than outlined in the LDP
- Size and scale of proposal are not in keeping with the two storey housing within the rural town of Cowbridge
- Failure to comply with the parking standards

- Loss of a historic building
- Loss of an established yew tree

A petition signed by 3,151 signatures, objecting (as summarised) on the grounds of:

- the loss of an important heritage asset
- density of development on the site exceeds the LDP recommendation of 20 dwellings
- the size and scale of the proposal and its impact on amenity of adjoining properties or its immediate and wider surroundings
- on the grounds of 'Climate Emergency' stating that retrofitting the existing building stock is key to a low-emission building sector and that no evidence has been provided as to why the existing building cannot be retained and retrofitted.

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 SP2 – Strategic Sites
 POLICY SP3 – Residential Requirement
 POLICY SP4 – Affordable Housing Provision
 POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
 POLICY MG2 – Housing Allocations
 POLICY MG4 – Affordable Housing
 POLICY MG6 – Provision of Educational Facilities
 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

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 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.

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.

Policy 6 – Town Centre First

- Sequential approach for new commercial, retail, education, health, leisure and public service facilities.

Policy 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

- National growth area is the focus for strategic economic and housing growth, essential services and facilities, advanced manufacturing, transport and digital infrastructure.
- Supports development in the wider region which addresses the opportunities and challenges arising from the region's geographic location and its functions as a Capital region.

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
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- Supporting Infrastructure

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)

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 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). 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
- Model Design Guide for Wales
- Parking Standards (Interactive Parking Standards Zones Map)
- Planning Obligations (2017)
- Public Art
- Residential and Householder Development (2018)

- Trees, Woodlands, hedgerows and 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
- Welsh Office Circular 13/97 - Planning Obligations
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

Well-being of Future Generations (Wales) Act 2015

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

Issues

The principle of the development

The site lies within the settlement boundary of Cowbridge, and it is located on the outskirts of the town within a largely residential context. Policy MG2 (18) of the Council's Adopted Local Development Plan 2011-2026 allocates the site for residential development. Consequently, it is considered that a residential use is compatible in principle with the nature of the surrounding area, with dwelling houses immediately to the rear and across the A4222. Given the proximity to the town centre, shops, services and bus links, it is considered that the proposed residential redevelopment of the site would be in a sustainable location, in line with its allocation.

The site measures approximately 0.53 ha in size and is currently occupied by the former sixth form block of Cowbridge Comprehensive School, which is currently vacant. The site fronts onto the A4222 Aberthin Road and is close to the elevated section of the Cowbridge bypass. There is existing residential on the boundary to the south and west.

Appendices in relation to Site Specific Allocations of the LDP state amongst other things that:

"The Victorian school building has some architectural merit and lends itself to conversion although the building is not currently listed. GGAT have advised that an archaeological evaluation will be required and that some parts of the site may need to be retained as open space in order to protect archaeological"

The development of the site would align with local and national planning policy principles of reusing previously developed land in a sustainable location. Further, the development aids in addressing Planning Policy Wales' aim to tackle the shortage of homes, in line with LDP policies SP3, SP4, and MG1.

Based on the above, whilst residential redevelopment of the site is in line with the allocation, a detailed assessment has to be made in respect of the architectural / historic merits of the building and the contribution that this vacant building currently makes to the site and the wider area and whether its loss can be accepted as part of the proposals to redevelop the site.

Acceptability of the Demolition of the School

The Planning Statement states that the existing structures on site were initially considered in terms of their potential for retention and conversion for residential use. It adds that the main school building is formed of an irregular footprint, with varying floor to ceiling heights, and original construction and extensions from different periods. Accordingly, it is advised that though conversion may be possible in principle, it would result in the provision of very few dwellings and that fundamentally, the layout and circulation space would be problematic, and the quality of accommodation that could potentially be provided would be negated by the size and positioning of existing fenestration.

In addition to the main school building, the site also contains a boundary wall and railings associated with the former school. The applicant notes that these are considered to represent an historic asset (stated as being of low significance) closely related to the school and that the proposed development will retain and repair this boundary feature, which will continue to represent a feature of the roadside.

The application has been supported by an Archaeological and Heritage (as amended) and a Assessment Heritage Summary Report.

The EDP report describes the history of the school with reference to historic maps and archival research at the Glamorgan Archives. The following key conclusions are drawn:

- The school was established in 1896 as the Cowbridge Intermediate School for Girls under the provisions of the Welsh Intermediate Education Act of 1889;
- Local philanthropist John Bevan acted as a benefactor, funding a hostel for 12 boarders at the school, as well as a library and scholarship fund;
- The school was extended in 1908 with a laboratory, gymnasium and classrooms added; and
- The school then became a Secondary or High school after 1912, retaining its boarders until 1939 and from the 1970s becoming an outlying facility for the large modern comprehensive school to the north.

The EDP report describes the building's exterior in some detail but not its interior, which was not accessed. Key architectural observations on the exterior are:

- That the older part of the building, dating from 1896 is of a very similar style and material palette to the later 1908 section;
- The building has a typical late-Victorian school style reminiscent of the Queen Anne Style that was popular in England and which blended Gothic with Italianate elements;

- The building is finished in local, dressed, sandstone blocks laid in random courses, a typical building material for the locality, with Bath Stone decorative features such as lintels, sill bands, coping, gable apex stones and kneelers, quoins and corning;
- Features of architectural interest include its multiple gables on the south-east and north-east side which display stone copings and other decorative stonework, and its varied fenestration, comprising round, rectangular, slit and large arch headed windows; and
- The building is damaged in places with missing stonework and boarded windows as well as invasive vegetation.

The report then summarises the building's significance using the terminology derived from Cadw's Conservation Principles (2011), relating to Evidential, Historical, Aesthetic and Communal Value.

In summary, the Archaeological and Heritage report concludes that the school buildings are valued for their architectural interest or evidential value, which, due to their decorative architecture extends to encompass their aesthetic value. The report considers that this aspect is fairly typical to its era, with the school reflecting the typical, decorative style of school buildings in the late Victorian period. A degree of value is also reflected by the building's history including its communal value, which is of importance in Aberthin Road, Cowbridge. The assessment concludes that the 1896/1908 parts of the school building represent a historic asset comprising 'a local development, utilising an attractive, but commonly found architecture typical of the period, and thus should not be considered of equivalent significance to a listed building, being considered to represent a non-designated asset of low significance'.

The report adds that as of September 2019 the building is not included on the Vale of Glamorgan Council Local List (County Treasures) and thus represents a non-designated historic asset, but not one that is Locally Listed.

Glamorgan Gwent Archaeological Trust (GGAT) in their response referenced The Scourfield (2019) report which presents a detailed account of the girl's schools history and highlights the cultural and architectural significance of the school buildings within Cowbridge and more widely in the context of the history of education in the UK. In light of the Scourfield Report, GGAT do not concur with the assessment made in the EDP report (October 2019) that the girls school buildings are a "low value historic asset". They consider that the school buildings are of historic significance and that it would be prudent to give due consideration to the preservation of the buildings. In any event, should the buildings be preserved or otherwise, GGAT Recommend a record should be made of the buildings given their significance and this work can be undertaken at predetermination stage alongside any evaluation work.

No formal comments have been received from Cadw, although the Council has been provided with a copy of an assessment by Cadw to a spot-listing request for the building. Cadw had been asked to reconsider their original recommendation (not to list the building), in the light of new information presented in a detailed assessment prepared for a local residents group by Robert Scourfield. In summary, Cadw state that they have considered the report carefully, but have concluded that the new information presented does not add up to a strong enough case to overturn their earlier position.

It is stated in the concluding part of the assessment that:

“..... I am satisfied that in terms of its architectural quality it falls short. On the principal point of historic interest – that it was the first intermediate school for girls in Wales – I do not find this a compelling argument in favour of listing, since the principle of education for girls was enshrined in the 1889 Act, and other listed examples reflect the diversity of arrangements for providing education for both girls and boys according to the terms of the Act.

Although the building does not meet the criteria for listing, as our earlier assessment made clear, it is of obvious local importance and might warrant inclusion on the Vale of Glamorgan’s County Treasures list”

The Petitions Committee of Welsh Government on 27 May 2020 wrote to the Deputy Minister for Culture, Sport and Tourism on the request for the listing decision on the former Girl’s School, Cowbridge to be referred for an independent peer review by Historic England or Historic Environment Scotland. In his response to the Petitions Committee on 9 June 2020, the Minister stated that he is acutely aware of the strength of local feeling regarding Cowbridge School and has personally given careful consideration to all the requests for the building to be listed. In addition to the assessments carried out by highly experienced officials in Cadw, has obtained independent advice from Richard Hayman, a building historian and archaeologist with particular expertise in historic buildings in Wales and he supports the original decision not to list.

The Minister stated that he is satisfied that the assessments received are unbiased and have been carried out to a highly professional standard. He adds that, to be listed, buildings have to be of national importance on account of their special architectural or historic interest and does not consider that Cowbridge School has sufficient quality or character to be listed at the national level, nor is it one of the best examples of its type. Neither does he consider there to be a case for requesting further independent advice or peer review by organisations from England or Scotland.

A further debate took place at the Senedd on Wednesday 16th February. The Deputy Minister for Arts and Sport, Dawn Bowden explained why Cadw had declined to list the building and that a legally binding decision not to list has now been taken.

In light of the above, it is a matter of fact that the building is not listed, as it does not meet the criteria for national listing. However as supported by both the Conservation Officer and CADW, the building is of local interest.

The criteria for inclusion as a locally listed County Treasure can be found in the Council’s adopted Supplementary Planning Guidance. Whilst this document is scheduled for review, it is the current document that is adopted. The local list is not static and it is recognised that the perception of locally important buildings and the contribution they make to the local historic environment may change in the future. To this end, the Council will monitor and review the ‘County Treasures’ list on a regular basis. The SPG states that *“It is also recognised that additions may need to be made as circumstances warrant in between periods of review. For example, as part of its ongoing review of Conservation Areas in the Vale of Glamorgan the Council is recognising new, locally important historic buildings as part of the appraisal process. This will bring forward new candidates for inclusion.”*

The Council's Conservation Officer, having identified the local significance of the building, has advised that he will make the recommendation that it is included on the County Treasures list. Should the building be included on the list then the provisions of Policies SP10 and MD8 should apply. These policies require the preservation or enhancement of locally listed buildings and their settings. Regardless of whether the building is included in the local list, it would be necessary to consider the development against Policy SP10 of the LDP.

Policy SP10 states that development proposal must preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan including, amongst other things:

“the architectural and / or historic qualities of buildings or conservation area, including local listed buildings”

On the basis that the existing building has been identified as being of historic significance and the proposal seeks demolition of this building, the proposal would fail to comply with the terms of Policy SP10.

However, 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. As such consideration must be given to all the policies within the LDP and whether the proposal as a whole would be considered in accordance with that plan and the weight of “material considerations” which could outweigh the proposal being contrary to one policy within the Development Plan. Moreover, the determination must also be made in accordance with Future Wales - The National Plan 2040, in particular Policy 7 – Delivering Affordable Homes.

Affordable Housing

The delivery of affordable housing is a key objective of the LDP Strategy, with the relative strength of the Vale of Glamorgan's housing market over the last 10 years having resulted in many local people experiencing difficulties purchasing suitable housing on the open market.

There is a target for 3,252 affordable residential units to be provided over the plan period as identified by policy SP4 of the Local Development Plan. As part of the LDP Annual Monitoring Framework, there was a target for the provision of 1,646 additional affordable homes by 2021, to be delivered through anticipated affordable housing contributions from Policy MG2 housing allocations, secured through policy MD4, alongside windfall housing developments. Between 2011 and 2021 an additional 1,622 affordable dwellings have been delivered. This is a shortfall against the target, although it is within the 10% flexibility allowance.

The proposal is for 100% affordable housing (social rented) on an allocated residential site, and therefore the proposed use of the allocated site for affordable housing is acceptable in principle.

The latest Local Housing Market Assessment (LHMA) 2021 was approved by Cabinet on 14th February 2022. The results show a net need for an additional 1205 units of affordable housing per annum for the next five year period 2021-2026 (4450 over the full period),

comprising 917 units for social rent, 79 for low-cost home ownership and 211 units of intermediate rented accommodation. This is an increase in the need for social rented units of 116 units needed per year from the LHMA 2019. The changes are due to a number of factors, not least the increase in the number of applicants on the Homes4U register, from 5986 in 2019 to 6940 in 2021 which gives rise to an increase in the backlog of need for social rented properties from 1197 to 1388 per annum over the five year period.

Neighbouring residents have questioned the need for affordable housing in Cowbridge, in light of recent developments in Darren Farm. Whilst new housing has been approved in Cowbridge in recent years, which has secured affordable housing, such as the land to the north-west of Cowbridge for 475 dwellings (planning reference 2014/01505/OUT, 2017/00841/RES, 2018/00240/RES) whereby 190 affordable houses have been secured (133 social rented, and 57 Intermediate), the supply of these units has already been into account in the calculations for the LHMA.

There is however still a significant affordable housing need that must be met in Cowbridge for social rented units as evidenced by the following figures from the Council's Homes4U waiting list in the Ward of Cowbridge:

Cowbridge	
1 Bed	206
2 Bed	109
3 Bed	49
4 Bed	9
5+ Bed	2
Total	375

It is, therefore, considered that despite the loss of the existing school building, a proposed re-development of the site for affordable housing is acceptable in principle. Moreover, the provision of 34 affordable homes on this site, is considered a significant material consideration in the determination of this application.

Scale, Design and Visual Impact

The existing school building is a two/two and half storey building situated at a level below the pavement and adjoining highway. The existing building is relatively wide across the frontage of the site, but its height is modest from street level and the width is broken up with a series of recesses and gable fronted projections.

The wider context includes the post war residential developments of two-storey detached and semi dwellings to the rear and south on Millfield Drive and Slade Close, while opposite and further along the A4222 there are larger detached two storey dwellings on a slightly higher level than the road. To the north of the site there is a notable gap in development along a semi-rural road before the new modern school buildings can be seen. The flyover does provide a physical and boundary of the edge of the settlement of Cowbridge before the more rural context of Aberthin.

The original scheme submitted in December 2018 was for 48 dwellings comprising of 43 flats and five houses in two distinct blocks fronting Aberthin Road. At the outset, officers raised significant concern in respect of the scale of the flatted block, in particular its ridge

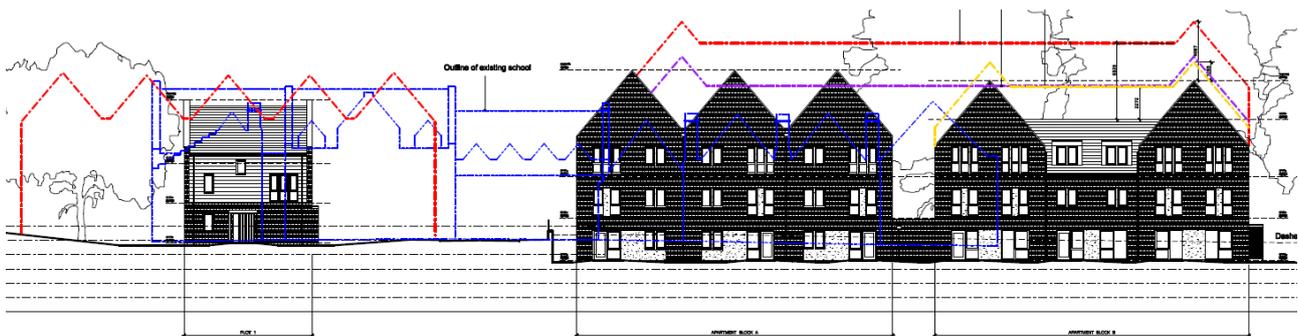
height of 15.1m of the main section of roof (with the gables some 1.5m higher), which would have been above the parapet of the adjacent flyover. In addition, the width of the block of flats and its overall design and form was considered over scaled and at odds with the residential character and the scale of the nearby dwellings.



Original Scheme – Front Elevations

As such, in this context, the original proposals would have appeared over-scaled and unusually high, especially when approaching the site from either direction along A4222 or when viewing Cowbridge in a wider context from the A48 fly over. The buildings would also be prominent from view points and locations in Millfield Drive and Slade Close. The scale, height and mass of the original proposal would be exacerbated by the prominent viewpoints further afield and would appear at odds with the existing context and the edge of the settlement.

The section below shows the existing school (blue) and the original scheme in red and shown the marked change in the scale of development proposed at the site when compared to the existing school.

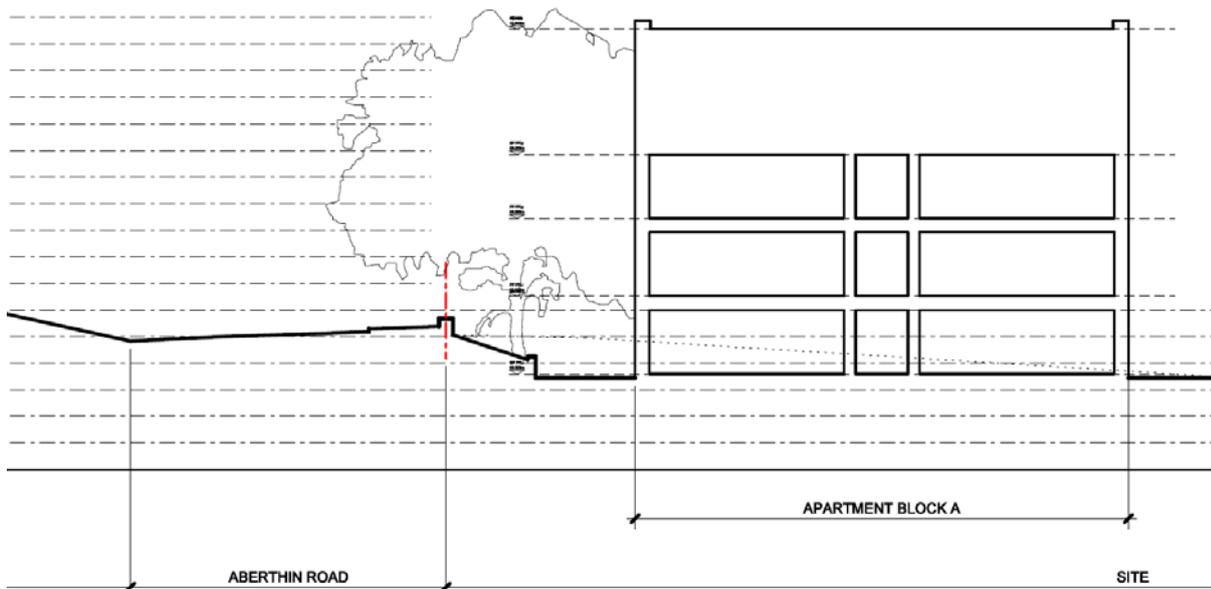


A series of amendments were submitted to address the authority's concern, initially only reducing the main height of the flatted block to 12.1m high. However, it was still considered that the flatted block was over scaled and that the building still needed to be broken up. The second revision (in yellow) proposed to split the block up with the same main ridge height of 12.1m and also re-orientated the houses. Whilst this change resulted in a marked improvement, a further revision was sought to reduce the central section of ridge, to ensure that it was more in line with the form and scale that the authority would consider appropriate. A further revision was sought where the main central ridge of block B was further reduced in height.

The elevation drawing below shows the final iteration of the scheme which is now being considered and shows that the highest ridge point of the development is below the parapet of the adjoining fly over and in particular the block being nearest to the fly over has been further reduced in scale to limit the impact of the development when viewed from the bypass in this elevated location. The overall form of the development now appears more as a linked block of town houses as opposed to a single block of flats. The scheme now introduces much more vertical emphasis more in keeping with the traditional scale of domestic buildings found within Cowbridge, where the use of the gables replicates a number the historic buildings within the historic core.



It is accepted that the flatted block will still be higher than the school building which it replaces, but nevertheless the scale of development and its massing is now considered appropriate for both the site and its wider context. Moreover, it should be noted that if the site were to be developed for market housing, it is very likely that the form of development proposed would be similar to that being proposed in the form of two - three storey blocks. The proposed dwellings along the southern part of the site are more domestic in terms of their scale and act as a transition between the flatted blocks and the existing dwellings in Slade Close.



Whilst the flatted blocks are three storey, as shown in the section above, the site is set below road level (some 1.8m below pavement) and as such when viewed from a distance, the ground floor levels will be partly screened which reduces the perceived massing of the buildings.



On the basis of the above the overall massing, scale and form of the proposed flats and houses are considered acceptable. Whilst indicative levels have been submitted in the section drawings which are considered acceptable, for clarity and completeness, full details of level of the buildings and finished site levels shall be submitted by way of condition (**Condition 4** refers).

In respect of the materials and finishes used in the locality, Millfield Drive and Slade Close are predominantly either red brick or buff brick with rendered panels and hanging tiles. In respect of the dwellings along Aberthin Road, many of the dwellings, which are post war, are a mix of white render brick and stone. As such there is no strong predominant material used in the locality.

Whilst the use of brick and the form of development and design would result in a building which appears distinctly urban, nevertheless given the location of the site within the settlement of Cowbridge, creating what would ultimately appear as a relatively contemporary form of development is not considered harmful or out of keeping with this very mixed street scene and the context of the site.

The proposed scheme indicates a mix of brick where the 3D coloured images shown that they have a tonality that would be similar to stone. Based on the above there is no officer objection to brick and the use of two brick colours will assist in providing more distinction across the site. The other materials and finishes are also considered acceptable, comprising synthetic slate roofs and grey windows and doors, subject to the approval of full details by condition (**Condition 3** refers).

The scheme seeks to retain the existing low level stone wall, stone piers and railings (albeit modified to remove the existing entrance gate), which is welcomed and will retain this historic enclosure along the site frontage. There are also sections of railings missing / damaged, which would need to be reinstated, in addition to works repair/rebuild stone pillars. Whilst boundary details of enclosures have been submitted which are generally acceptable, further details are required particularly in relation to the enclosures around the perimeter of the site and a revised enclosure (1.8m high stone wall) to the side of Plot 1 to provide noise mitigation (see below). These additional / revised details can be secured by condition (**Condition 5** refers).

Trees

The application has been supported by an Tree Survey, Draft Tree Protection Plan and Tree Constraints Plan. In summary, of the 17 subject trees / groups of trees on the site that have been surveyed, a total of 6 trees are proposed to be removed. All of the trees to be removed are ash except one goat willow, all of which are classified as being Category C trees. Category C trees are defined as being low quality, unremarkable trees of very limited merit or impaired condition and offer low or only temporary/transient landscape benefits and no material conservation or other cultural value.

Notably the scheme seeks to retain all of the protected (TPO) trees on the site, comprising of the three Lime Trees, located along the rear boundary (T3, T4 and T6) and the Yew tree (T15) located at the front of the site. No building(s) are proposed within the root protection area (RPA) of these trees, although it is noted that the existing building at the site will already impact / constrain these trees. Whilst part of the parking area does fall within the root protection area of the Lime Trees, this can be adequately dealt with by a "no dig" construction method for the parking area and appropriate method statement to ensure minimal disturbance during the construction and operational phase of these trees. (**Condition 6** refers).

The T15 Yew tree would be located in the rear garden of the dwelling at Plot 1 with the RPA slightly encroaching into the adjacent rear garden. On the basis that the only structures in the RPA will be fencing and paving, it is considered that this can be adequately dealt with by a method statement for these works by way of condition (**Condition 6** refers). The proposed Planting Plan specifies that hand digging within RPA will be undertaken and fenced off as per Treescene Tree Protection Plan, until car park is built at end of contract.

Whilst the Yew tree will under greater pressure, being located in the rear garden, it is not considered that the tree will be at significant risk and that garden area beneath will still be usable. Should the home owner wish to undertake any future works, to crown lift etc. consent would need to be given to undertake any such works.

The Draft Tree Protection plan includes full details of a protective fencing for the protection of trees during construction, which is considered acceptable and shall be secured by condition (**Condition 7 refers**), noting that at some stages works will have to be undertaken with the protected area.

The proposed Planting Plan, sets out as details a schedule of ornamental shrub beds, native planting beds and proposed hedge and tree planting of 23 replacement trees in line with the Councils Trees, Woodlands, Hedgerows and Development SPG, the replacement trees would be in excess of the required ratio of 2:1. The planting particularly along the site

frontage is considered acceptable with trees set within a shrub beds set behind the stone wall/piers and railings enhancing the street scene.

Density

Policy MD 6 states that in service centre settlements (which Cowbridge is defined as) a density of 30 units per hectare is required, in order to ensure the efficient use of land. The application site measures some 0.53ha (slightly differing from the allocated site) and based on 34 units, the site would deliver a density of 64 dph.

The LDP states that for this allocated site (identified as being 0.52 ha) the site would deliver 20 units. However, it should be noted that a number of the allocated sites within the LDP have been approved where the number of units have far exceeded the anticipated number of units allocated for these sites. Moreover, a number of windfall sites within settlement boundary have also been approved where the density far exceeds those stated in Policy MD6, particularly affordable housing schemes which are generally flatted blocks and by their very nature are high density.

It is noted that a number of the objections received raise concern that the number of units is significantly in excess of the 20 proposed for the allocated site. Whilst noted, Policy MD6 does state that higher densities will be permitted where they reflect the character of the surrounding areas and would not unacceptably impact upon local amenity. Given that the visual impact of the development has been assessed above and is considered acceptable, it is maintained that the built form to accommodate the number of units and the resulting density would not be at odds with the mixed character of the surrounding area and would not unacceptably impact local amenity. Moreover, regard should also be given to the direction of travel and national planning policies and Future Wales in making more efficient use of land and a general drive to achieving, where appropriate, higher densities in urban areas.

Amenity space provision

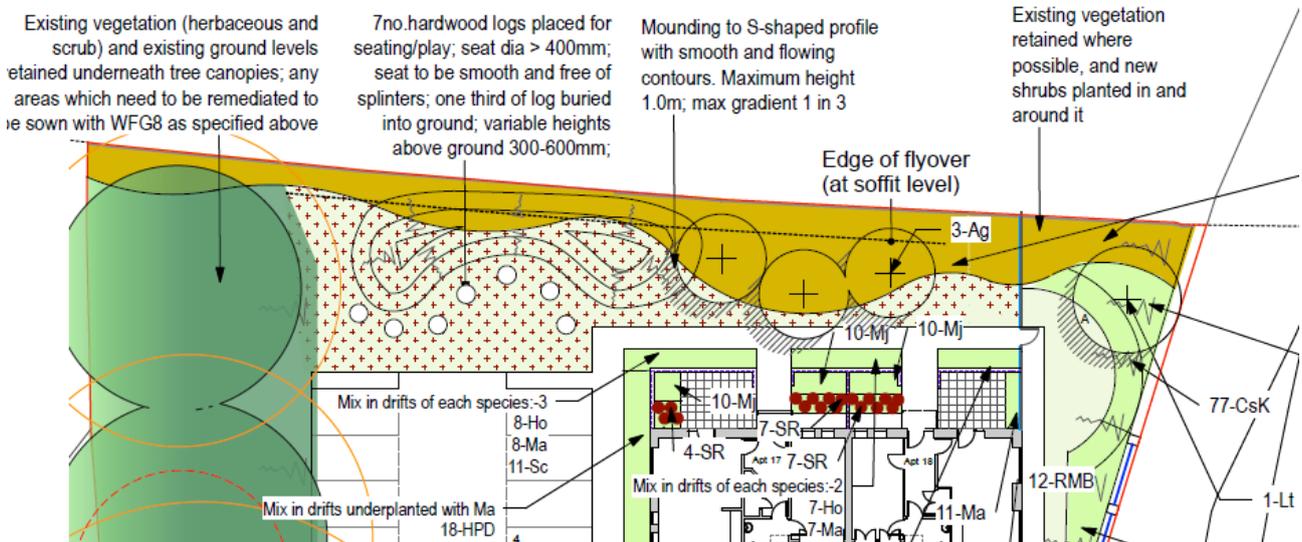
Policy MD2 of the Local Development Plan requires new developments to meet the Council's approved guidelines with respect to the provision of amenity space and public open space. These approved guidelines are contained within the adopted Supplementary Planning Guidance (SPG) 'Residential and Householder Development', which provide guidelines to ensure that all new residential developments contribute towards a better quality of life without unacceptably affecting the amenity enjoyed by existing residents.

The guidance contained within this policy notes that for flats between 12.5 sq. m and 20 sq. m of amenity space per person should be provided, depending on the size of development and for dwellings 20 sq. m of amenity space per person. Moreover, the guidance states that communal areas of amenity space may be acceptable, but these must be directly accessible for all occupiers.

In relation to the proposed dwellings, there is mixture of one four-bedroom, two three-bedroom and one two-bedroom homes. All of the dwellings are shown to be served by a private amenity space to the rear of the properties, with three dwelling having between 100 and 120 sq. m., with one dwelling more limited in size with a rear garden of 62 sq. m (due to the location of the bat roost to the rear). Overall, the provision of amenity space to serve these dwelling is considered acceptable and whilst falling slightly short of the SPG

standards, it would nevertheless provide meaningful space for the residents of these houses.

In relation to the flats, they are predominantly one-bedroom apartments of which six would be two-bedroom apartments. The flats would be mainly served by an area of amenity space set out as an informal seating / play area to the north of the parking area as shown below.



Whilst the area of amenity space would fall below the standards set up within the SPG, these standards are a starting point and must be considered in relation to the development as a whole having regard to its context and the form of development. It is often the case that flatted developments cannot practically be served by private amenity space that always meets the Council standards. Moreover, any shortfall in on site provision of amenity space must also be weighed against the positive impacts of the development; in this case principally the provision of much needed affordable units.

Nevertheless, the layout of amenity space shows a meaningful and usable area of open space with provision of seating with peripheral areas of landscaping that can be accessed by the residents of the flats. In addition, there are also other smaller pocket areas of landscaping around the site which would also provide a significant degree of visual amenity for future occupiers of the development. Whilst the general layout of the amenity areas is acceptable further details shall be submitted of the amenity space by way of condition (**Condition 8** refers) which will form part of a wider landscaping condition.

The applicant has also agreed to a financial contribution (see Planning Obligations section below) which can be used to upgrade open space in the area, and this amount is commensurate with the size of the development (and having regard to the Council's position regarding affordable housing developments of over 25 units- see below).

Therefore, on balance it is considered that the level of amenity space and securing a full financial contribution for off-site POS (see below) will be adequate to meet the needs of the future occupiers of the site, in terms of outdoor relaxation and recreation.

Impact on neighbouring amenity

In assessing neighbouring amenity, regard should be given in respect of the impact of the existing vacant school on the privacy and amenities of adjacent and nearby dwellings, having particular regard to the siting and the massing of the existing church.

In respect of the opposing neighbours located to the east on the other side of Aberthin Road. The dwelling of 1 New Forest View Aberthin Road, will at its nearest be some 29 metres away from the flatted block and some 22m away from the boundary of the front garden. The next nearest house to be affected would be 2 New Forest View, Aberthin Road, where that dwelling would be some 28 metres away from the side facing gable end of the proposed dwelling (H1) and some 17 metres to the boundary with the front garden. At these distances and the fact that these opposing dwellings are in an elevated position, it is not considered that the proposed dwellings and flatted block would unreasonably enclose the outlook of these occupiers. Notwithstanding the greater massing of the replacement buildings on the site, in terms of the impact on privacy, given that the distance between windows exceeds 21 metres, in line with the Councils as SPG, the proposal would not result in a loss of privacy for these occupiers.

The properties of Millfield Drive, comprise of semi-detached dwellings allocated to the rear (west) of the application site and would back onto the parking area, retained landscape corridor and turning areas. At its nearest the south-west corner of the flatted block would be some 24 metres from the rear garden boundary with the properties on Millfield Drive, this distance would be increased to some 30 metres at the north-west corner of the flatted block. It is noted that the rear gardens of the properties which adjoin the site to the rear have gardens of a more limited depth, however given the distance to these dwellings, and the distance between opposing windows to these dwellings, the nearest would be some 35m away, which would increase further to the north of the rear of the flatted block. Despite the proposal having a greater massing and impact than the school on the site, based on the ridge heights shown, the overall design and levels (as illustrated within the section) the distances are such that the proposal would not unreasonably enclose the outlook of these adjoining occupiers to the west.

Finally with regards to the impact of the dwellings to the south, namely the detached dwelling and semi-detached pair at numbers 4, 6 and 8 Slade Close, it is also noted that these properties are located at a lower level than Aberthin Road. The proposed dwellings which comprises of two pairs of semi-detached dwellings would abut the rear gardens of these properties. Plot No. 1 is of a larger house type comprising of a 2 1/2 story element with the remaining adjoining semi-detached property a traditional two storey dwelling, the same as the adjacent semi-detached pair. The larger of the proposed dwellings (H1) is shown to have a rear garden of some 14.5m in depth, with a distance of some 24 metres from the rear elevation of H1 to the main two storey part of 8 Slade Close, with a similar relationship and distance in respect of H2. Whilst Plot I is a larger scale dwelling, it is nevertheless considered the distance between these dwellings is such that the design and siting of H1 and H2 would not unreasonably enclose the outlook of 8 Slade Close and would not result in an unacceptable loss of privacy to these occupiers. The dwellings H3 and H4 would be some 16 to 17 metres from the boundary of the site and the rear elevations of the proposed dwelling would be some 26 metres from the semi-detached properties to the rear at numbers 4 and 6 Slade Close.

With regard to the proposed bat roost, which is a single storey stand alone building located to the rear of the properties at Nos. 4 Slade Close, 16 and 18 Millfield Drive, the building is

comparable to the scale of a detached garage with an eaves height of some 2.3m and ridge height of some 4.6m. Given the siting of this building and the fact that the roof slopes away from the boundaries, it is not considered that the building will enclose the outlook of these adjoining occupiers.

Noise and Air Quality

In line with Policy MD7 (Environmental Protection), development proposals are required to demonstrate that they will not result in unacceptable impacts, on people, residential amenity, property in respect of, amongst other things, land contamination, noise, vibration and nuisance, flood risk and any other identified risk to public health and safety

In respect of noise, the submitted report comprises an assessment of the potential noise impacts upon the proposed residential dwellings including noise from the A48 and Aberthin Road. The report assesses the results of a noise survey carried out in accordance with current guidance and includes recommendations for noise mitigation as appropriate.

An amended noise assessment was submitted which concludes that the dominant noise source affecting the proposed development site is road traffic on the A48 and Aberthin Road and that The noise levels have been assessed using guideline values suggested by BS8233 and Tan 11.

To meet the required external noise guidance levels, the report states that a 1.8m high closed board fencing along eastern boundary of garden 1. This mitigation measure proposed will ensure the upper BS8233 guideline value of 55dBLAeq is met in garden areas across the site.

Internally, the report states that the noise guideline levels will not always be achieved in noise sensitive rooms throughout the site with windows open and all noise sensitive rooms will achieve noise guideline levels with 6/12/6 double glazing (6mm panes with 12mm gap) with windows closed. During times where windows need to be closed to achieve acceptable noise levels, an alternative means of ventilation will be required. Two Passivent TVALdB 800 Window frame vents (or similar) per window will ensure that noise guideline levels are met, whilst ventilation is also provided.

The Councils SRS Team have reviewed the amended noise assessment and are satisfied with the noise mitigation for the development as detailed in the report, however for the roof space to be used as accommodation, has recommended recommend a condition to ensure that that prior to occupation, a noise survey shall be undertaken to demonstrate that that all habitable rooms in the attic space achieve internal noise levels of 35dBA Leq16hour during the day and bedrooms achieve 30dBA Leq 8hour at night (with windows closed), consideration should also be taken in regards to the LAMax 45db which will need to be achieved.

Whilst the need for a 1.8m high closed board fencing along eastern boundary of garden 1, is noted, such an enclosure along the site frontage, particularly where the other enclosures of the site are stone piers and railings would be out of keeping. As such, it is considered appropriate to seek a 1.8m stone wall in the interest of visual amenity, the stone for which can be sourced from the demolished buildings. Therefore, subject to the compliance with the mitigation set out with noise report (except for the fence) being implemented which shall be required by condition (**Condition 10** refers) in addition to a condition for, a noise

survey for the habitable rooms in the attic space prior to occupation (**Condition 11** refers), the proposal would be acceptable from a noise perspective.

With regard to air quality, the Councils SRS Team, in summary have stated given the busy nature of the A48 and likelihood of increased traffic movements along this corridor, particularly in sight of committed developments in the area an appropriate air quality assessment (AQA) must give consideration to the potential impacts on ambient air quality and the magnitude/ risk of these potential air quality impacts on local/current and future residents.

An Air Quality Assessment (AQA) was submitted and details the results of the air quality assessment and discusses the potential dust and fine particulate matter impacts associated with the construction phase, and a discussion of the potential air quality effects associated with vehicle emissions in the operational phase. Whilst the report was written based on the proposed development of 48 residential dwellings, this has now been reduced to 34 dwellings. The report states that during the construction phase, the risk of dust soiling effects is classed as low for demolition. The report concludes that the assessment has demonstrated that the proposed development will not lead to an unacceptable risk from air pollution, subject to appropriate planning conditions. Para 5.1.15 of the report sets out recommendations for Site-Specific Mitigation, relating to dust control and states that it may be in the form of construction best practices or could include a dust management plan.

The Councils SRS Team have reviewed the AQA and state that for the construction phase of the proposed development, a low- medium risk has been identified with respect to dust soiling soil and human effect as a result of construction phase activities (Demolition, Earthworks & Construction). It is therefore considered essential that a suitable Construction Environmental Management Plan outlining a detailed Dust Management Plan with appropriate measures be submitted and approved by the Local Planning Authority (LPA) prior to the development proceeding. This can be secured by condition (**Condition 13** refers)

With regard to the Operational Phase, in accordance with EPUK 2017 Guidance, as agreed with the appointed consultant and detailed within the supporting air quality assessment, the need to quantify the operational phase has been scoped out. The proposed development will not exceed 500 Annual Average Daily Traffic and in total, the development would generate 138 AADT. In agreement with the consultants, the air quality changes expectant at existing sensitive receptors along the vehicle movement network can therefore be considered to be negligible and not significant. On this basis there are no objections on the grounds of air quality.

Access and Parking Provision

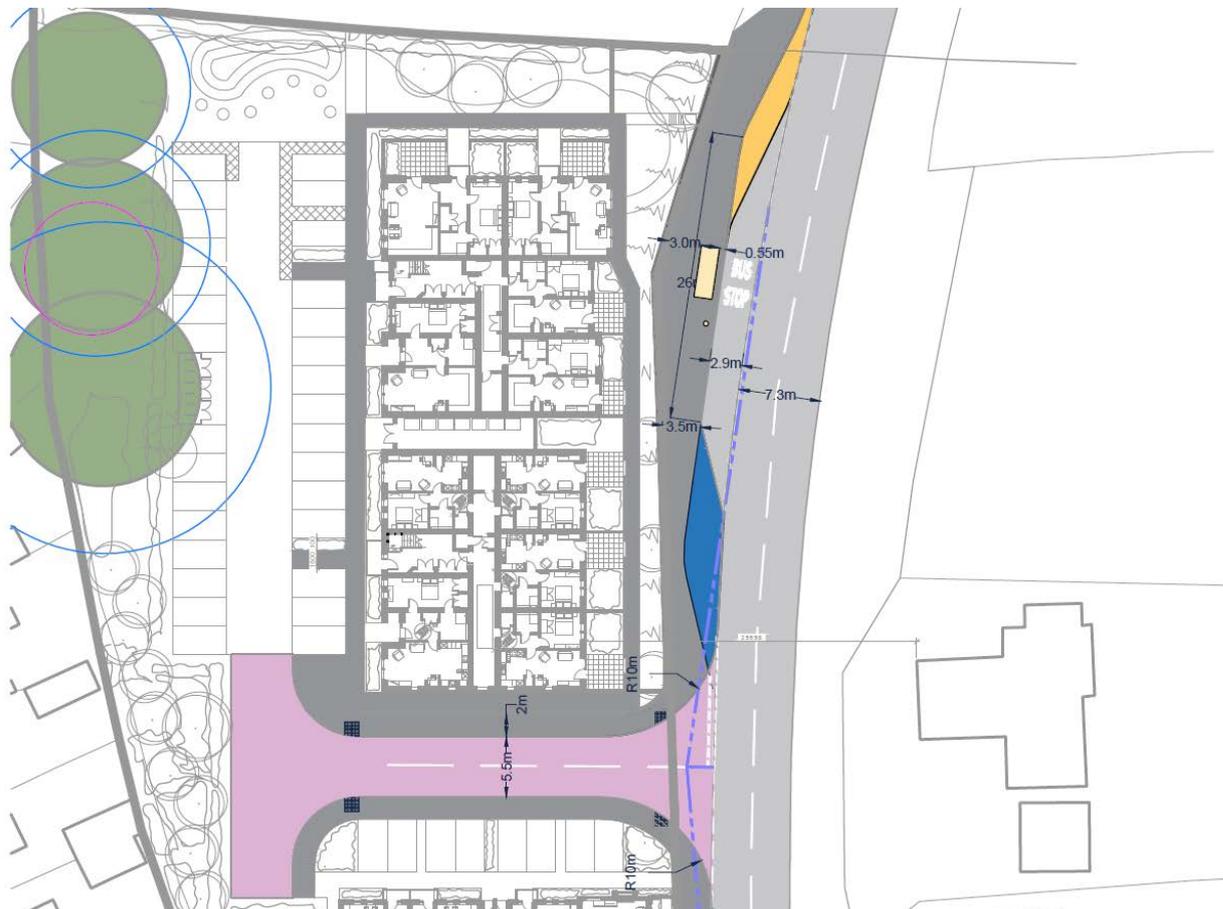
The access into the site via Aberthin Road leads to a turning head for manoeuvring by a refuse vehicle. Cycle storage is proposed for the flats through the combination of an external shelter, and ground floor internal storage provision within each apartment block. The houses each have sufficient space within their gardens and/or sheds for the storage of bikes, and the back garden to each house is independently accessible from the road.

To the immediate south of the access road, adjacent to the properties they serve, is the car parking provision for the houses at two spaces per dwelling. The car parking for the flats is provided to the rear (west) of the flats and comprises of a total of 30 spaces, (a

ratio of 1:1) overlooked by the flats. There is also a cycle store located centrally within the parking area, with provision of 12 cycle spaces. Bin storage for the flats is located between block A and block B, resulting in minimal visual impact upon the street scene. The houses will present waste onto the road on collection day and be able to store their bins in rear gardens at all other times.

The Highway engineer was consulted on the original scheme (for 48 dwellings), and requested amongst other things, an amended plan for tracking for large refuse vehicles, the access kerb radii at the entrance to the development should be 10m and the need to create a combined pedestrian/ cycling footway of 3.5m along the length of the development on Aberthin Road to satisfy the Councils future proposals.

However, following a reduction in the number of units down to 34 and in light of the number of design reiterations, the scheme has been amended several times, and based on the most recent set out comments, the layout plan (shown below) shows the required pedestrian gate/link to the back of the parking/ under flyover, in addition indicative bus stop location and tactile crossing point locations.



The off site works within the adopted highway of Aberthin Road would be secured by way of a separate Section 278 Agreement with the Highway Authority.

The Highway engineer has also requested that the area to be offered for adoption (shown in pink on plan above) needs to be constructed to adoptable standards (to include street lighting), with suitable drainage and that a 2m footway is to be provided at the back of the turning area.

In response, the agent states that the applicant has a preference for the road to be adopted, however, the extent of lighting that will be possible along the adopted road is a significantly constrained given the comments made by Natural Resources Wales (see below) on the biodiversity considerations for this development, where NRW have insisted on reduced lighting on-site, to maintain the dark corridor along the western edge, so as not to disturb bat flight paths. An indicative scheme of street lighting has been submitted which shows 3 columns, one at the junction and two on the straight section, with bollards on the western edge of the hammerhead (to limit light spill to the western edge of the site). Whilst formal written comments have not been received from the Highway Engineer, the Engineering Manager Highway Development & Traffic Highways and Engineering has verbally confirmed that the provision of bollard lighting would be acceptable in principle, subject to being fully detailed as part of the technical approval process under S38.

With regard to the requirement for a 2m footpath to the back of the turning head, the agent has stated that this would encroach the western bat corridor, especially on the southernmost corner and would result in the loss of landscaping. Given its location, such a footpath would not in any case connect with any existing footpath and would not appear to fall within any pedestrian desire line, particularly as two sets of tactile crossing points have been secured either side of the internal access road and at the entrance to the turning head. As such, the required section of footpath would not appear to offer any significant improvements in respect of pedestrian safety, particularly given the ecological / landscaped impacts that it would cause. Therefore, on balance, the lack of provision of the required footway is not considered to cause harm to highway / public safety to warrant refusal of the application. However, the final design of the extent of the design of the adopted highway would form part of the technical approval process under S38, but should in any case as it is within the application site, also be submitted by way of condition (**Condition 23** refers)

In respect of the remaining points raised by the highway engineer, the agent has agreed to reinstate the existing cross over, to cover the legal costs of Traffic Order and replace all the street furniture such as VA Signs, Lamp column etc, in locations to be agreed as part of S278 and S38 agreement.

In addition, the developer has also agreed to provide EV charging infrastructure, but not the charging points at this stage, on the basis that research demonstrates that electric vehicle ownership amongst tenants is very low. It should be noted that within the Parking Standards SPG, which reflect national guidance, there is only a requirement to provide electric vehicle charging points (EVCPs) infrastructure, within new non-residential development proposals at the standards set out in within the SPG. For new residential development proposals, the Council still encourage developers to provide EVCP wherever appropriate, at a ratio of 10% of all parking spaces provided.

On the basis of the above, it is welcomed that the applicant (Hafod) are willing to offer EV charging infrastructure, to future proof the development, where such “passive” provision will provide the necessary underlying infrastructure including the necessary cabling and ducting to enable the simple installation and activation of EVCP parking spaces at a future date. Such passive provision shall be secured by way of condition at a ratio of 10% of all parking spaces provided, (**Condition 18** refers), which has been agreed by the agent.

Ecology

Policy MD9 is most relevant in respect of ecology matters, and it requires new development proposals to conserve and where appropriate enhance biodiversity interests. The Council's Biodiversity and Development SPG (2018) requires new development to provide ecological enhancements to promote biodiversity within the Vale of Glamorgan.

The Council's Ecologist initially raised a holding objection stating that the applicant liaise with NRW regarding further survey required for bats and the provision of mitigation/compensation and that when NRW are satisfied with the proposals, and remove their significant concerns, LPA ecologist will then be in a position to assess the application with respect to bats and other protected/priority species and habitats. In addition, given the importance of the site for numerous light-sensitive species of bats, there is a requirement that the applicant design the (external) lighting for the scheme prior to determination.

Natural Resources Wales, in their response noted that several bat species; pipistrelles, brown long eared, Myotis and lesser horseshoe, have been found to be using the building on site. Further to the submitted the David Clements Ecology Report, dated 2017, they also note that the applicant has made amendments to the proposed bat roost drawing in light of previous comments, but there continues to be insufficient information provided to demonstrate the proposal will not be detrimental to the maintenance of the favourable conservation status of Bats, a European protected species.

Following re-consultation based on:

Proposed Bat Roost' Drawing No 3703/PA/230 Revision A, dated Aug 19, by Pentan Architects

- 'Proposed Site Layout Aberthin Road, Cowbridge' Drawing No 3703 / PA / 210 Version E, dated Aug 19, by Pentan Architects
- Soltys Brewster Ecology Response Ltr dated 23 August 2022, uploaded as September 2021

NRW are now satisfied that their concerns can be overcome, if the documents identified above are included in the approved plans and documents condition on the decision notice.

NRW welcome the proposal, set out in the Soltys Brewster Ecology response letter to turn off the lights along the western boundary between 8pm and 6am between April and September inclusive and the intention to dim the lights to 25% in the remaining months of the year.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose of preserving public health or 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.

- ii. There is no satisfactory alternative and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that a Local Planning Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In light of the above requirements, the three tests that need to be applied to this planning application are:

In respect of test no 1, the proposal would have an overriding benefits in terms of providing much needed affordable housing in the wider public interest within the Vale of Glamorgan.

In order to satisfy test no 2, the failure to maintain the building could eventually result in the building being at risk of falling down, where the roost would be lost. Whilst the building could be brought back into beneficial use, it is likely that any proposal to re use the building would likely result in an impact on these protected species.

With regard to test no 3, as stated above, NRW do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, subject to identifying the approved plans and documents on the decision notice.

In line with the 'Dear CPO' letter issued by Welsh Government on 1st March 2018, NRW request that an informative is attached to any planning permission granted, advising that planning permission does not provide consent to undertake works that require an EPS licence. This shall be secured by way of an Informative.

In respect of Ecological enhancements, this can be secured by way of condition to ensure that the development enhance biodiversity interests in line with the requirements of the Council's Biodiversity and Development SPG (2018) (**Condition 19 refers**)

Archaeology

The application was supported by an archaeology and heritage report prepared by EDP Ltd (report dated October 2019). Glamorgan Gwent Archaeological Trust (GGAT) have commented on the historic significance of the building which has been considered in detail above. They advise should the buildings be preserved or otherwise, a record should be made of the buildings given their significance and this work can be undertaken at predetermination stage alongside any evaluation work.

GGAT advise that Historic Environment Record, curated by this Trust, indicate archaeological remains of Bronze Age date. Whilst the construction of the current school will have had an adverse effect on any archaeological material, there remains the possibility that similar remains to that noted above may be encountered during the course of any development. On this basis GGAT recommended an archaeological evaluation be conducted prior to any determination of this application.

An Archaeological Evaluation was subsequently undertaken by Headland Archaeology which comprised of the excavation of 5 trenches, to the rear and north of the building. The report states that the evaluation encountered evidence of landscaping and the insertion of a sewer system, associated with the development of the site between c 1896 and the 1960's and that no features or materials pre-dating the Victorian and modern development was encountered. Following consultation, GGAT have stated that they would agree with the evaluation's conclusion that 'the likelihood of any potential buried archaeological features is highly unlikely.

However, GGAT state that there remains the outstanding Level 3 building survey, as set out in "Understanding Historic Buildings: A Guide to Good Recording Practice", Historic England, 2016. To ensure that work is carried out in a suitable manner, GGAT therefore suggest that a condition worded in a manner similar to model condition 73 given in Welsh Government Circular 016/2014 is attached to any consent that is granted in response to the current application. (**Condition 20** refers),

Drainage and Flooding

LDP Policy MD7 (Environmental Protection) requires development proposals to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from flood risk and its consequences. The policy goes further to state that 'in respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15, citing specific requirements relating to Zone C2.

Dwr Cymru Welsh Water (DCWW) were consulted and referenced their response to the Pre-Application Consultation (PAC) Report, which highlights that foul flows only can be accommodated within the public sewerage system and offers no objection in principle to proposals for discharge of surface water flows into an existing culvert. Their response also advises that the proposed development site is crossed by a combined public sewer with the approximate position being marked on the attached Statutory Public Sewer Record, although they note that the planning application is accompanied by the same 'Drainage Strategy' (Drawing No. C-SK01) which appears to indicate the proposed development would be situated outside the protection zone of the public sewer measured 3 metres either side of the centreline.

DCWW have state that no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site and there is no objection from a water supply perspective. They have however requested a condition to ensure that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network (**Condition 21** refers) and an Advisory Note that 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).

The Councils Drainage Team were consulted and have stated that the site is not located in DAM zones at risk of tidal or fluvial flooding and NRW maps indicate that there is a very low risk of surface water flooding to the site. The submitted drainage strategy indicates that infiltration testing will be undertaken to confirm if soakaways are a viable option, however no infiltration data has been provided with this application. Therefore, in summary they have requested an condition (**Condition 22** refers) for a detailed scheme for the surface water drainage of the site, showing how road and roof / yard water will be dealt

with has been submitted and approved in writing by the LPA, including any infiltration techniques.

On the basis of the above there is no objection to the application from a Drainage and Flooding perspective

Contaminated Land

Whilst no objection in principle has been raised to the proposal, the Council's Shared Regulatory Services, noting the previous use of the site, request that conditions be attached to any consent with regard to unforeseen contamination, imported soil and aggregates, use of site won material and an informative note in respect of contamination and unstable land (**Conditions 14, 15 and 16** refer)

Section 106 Planning Obligations

At the Council's Cabinet meeting of the 5th September 2016, there was a resolution approved to waive the requirement to seek financial obligations on 100% affordable housing sites of twenty-five units or less, where the development is made by the Council or the four housing associations zoned by Welsh Government to develop in the Vale of Glamorgan (Minute C3271 refers).

Accordingly, Section 106 contributions for this development are sought for this development on the basis of 9 units (34 minus 25).

For Members' information, the full Section 106 contributions (in line with the guidance in the Council's Supplementary Planning Guidance would be:

- Sustainable Transport - £20,700
- Public Open Space - £90,712
- Public Art - to the value of 0.26% of the build costs
- Community Facilities - £11,340
- Education- No contribution based on the remainder of the development being made up of 1 bedroom flats

Sustainable Transport

Having regard to the cost of providing and upgrading sustainable transport facilities, the Council's Planning Obligations SPG provides a basis to consider the type of contribution that may be likely to mitigate the impacts of a development of this size. This is a key aim embodied in national and local planning and transport policies, which the Council is keen to deliver. In this case, a sustainable transport contribution is required to ensure that the site is sufficiently accessible by a range of modes of transport other than the private car. The applicant has agreed to a request of £20,700 which accords with the rationale set out in the Council's SPG for 9 units. This money could be spent on improving access for pedestrian and cyclists to and from the site from the town centre, and to improve access to shops and services etc.

Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools. PPW emphasises that adequate and

efficient services like education are crucial for the economic, social and environmental sustainability of all parts of Wales. It makes it clear that decisions should take account of social considerations relevant to land use issues, of which education provision is one. LDP Policy MD5 requires developments to make appropriate provision for community infrastructure to meet the needs of future occupiers, and educational facilities are listed as such community infrastructure in Policy MD4.

Having regard to other application for 100% affordable housing for four housing associations, the authority has been flexible on the first 25 units and the type of units that can be discounted. On this basis and based upon the remaining 1bed units, which are not family units, no contribution would be sought.

Community facilities

The Planning Obligations SPG acknowledges that new residential developments place pressure on existing community facilities and create the need for new facilities. Therefore, it is reasonable to expect new residential developments of this scale to contribute towards the provision of new, or enhancement of existing, community facilities.

The Council has developed a formula to calculate reasonable levels of contributions for community facilities, which has been derived from an analysis of the costs associated with providing such facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The formula set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. The applicant has agreed to an amount of £11,340 which reflects the need that results from the development (based on 9 units) and accords with the guidance in the Council's SPG. This could be used, for example, to enhance Cowbridge Leisure Centre, or Cowbridge Library.

Public Open Space

Where there is an identified need for public open space, new residential development with a net gain of 5 or more dwellings are required to provide public open space, in accordance with LDP Policy MD3 'Provision for Public Open Space'. The Planning Obligations SPG requires 55.68sqm per dwelling, comprising 5.8sqm of children's equipped play space, 12.76sqm of other children's play space, and 37.12sqm of outdoor sports space.

Whilst the Cabinet Resolution sought to waive financial contributions on schemes such as this for the first 25 units, this approach does not seek to waive any necessary 'in kind' contributions necessary to make a development acceptable in planning terms. Due to the site constraints, public open space cannot practically be provided on site, and therefore appropriate provision is required accordingly. The SPG makes provision for an off-site contribution, to improve and upgrade public open space near to the site, based upon £2,668 per dwelling not catered for on site.

In this case and based upon 34 units, this would equate to £90,712 and this would be spent on improving facilities at areas of public open space that would be used by occupiers of the development. This could be used, for example, to improve facilities at the Bear Field, Old Hall Gardens, Physic Gardens, Police Field and/or Twt Park.

Public Art

The Planning Obligations SPG requires developers to set aside a minimum of 1% of their project budget specifically for the commissioning of art and the public art should be provided on site integral to the development where possible. The Public Art in New Development SPG provides additional guidance in this regard.

The applicant has agreed to this requirement, which will be 26% of 1% of development costs (9 units equals 26% of the total development).

In addition, and separate to any obligation sought, the Council requires the developer to pay an administration fee, equivalent to 20% of the application fee or 2% of the total financial contribution being sought, whichever is the greater. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 agreement. In this case the higher of the fees would be based on 20% of the application fee, which would be £3,648.

RECOMMENDATION

Subject to the interested person(s) first entering into a Section 106 legal agreement to include the following necessary planning obligations:

- The retention of the units as affordable in perpetuity.
- To pay a sum of £20,700 to contribute towards the provision of sustainable transport facilities in the vicinity of the site.
- To pay a sum a sum of £90,712 on improving facilities at areas of public open space that would be used by occupiers of the development
- To provide Public Art to the value of 0.26% of the build costs
- To pay a sum a sum of £11,340 to contribute towards the provision of new, or enhancement of existing, community facilities in the area.

In addition to a clause requiring the payment of a fee to monitor and implement the legal agreement (£3,648 in this case).

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:

3703/PA 001 Rev A Site Location Plan
3703-PA-210 Rev I - Proposed Site Layout
620-0001-SP01 Rev C - Swept Path Analysis
620-0001-SK01 Rev D - Proposed Site Access Visibility
319/2/E1 - M & E Site Plan

Tamlite Lighting Data Sheet - City BL Extruded aluminium LED bollard
Lighting Report R4 - Option 1 - Bollard
Amended 421.01 Rev B Planting Plan
Amended 3703/PA/201 Rev A Existing Site Survey
Amended 3703/PA/211 Rev A Overlooking Distances
Amended 3703/PA/215 Rev A Apartment Block A Proposed Floor Plans
Amended 3703/PA/216 Rev A Apartment Block A Proposed Elevations
Amended 3703/PA/220 Rev A Apartment Block B Proposed Floor Plans
Amended 3703/PA/221 Rev A Apartment Block B Proposed Elevations
Amended 3703/PA/225 Rev A 4B6P Proposed House Plans and Elevations
Amended 3703/PA/226 Rev A 3B5P Proposed House Plans and Elevations
Amended 3703/PA/227 Rev A 2B4P Proposed House Plans and Elevations
Amended 3703/PA/231 Rev A Proposed Cycle Store
Amended 3703/PA/232 Proposed Boundary Details
Amended 3703/PA/235 Rev A Proposed Site Sections
Amended 3703/PA/236 Proposed Site Sections Through Fly-over
Amended 3703/PA/240 Proposed Coloured Elevations
Amended 3703/PA/241 Proposed Coloured Elevations
Amended C1214-C-SK01 Rev B Drainage Strategy
Amended C1214-C-SK03 Rev B Site Contours Sketch

Amended Tree Survey
Amended Draft Tree Protection Plan
Amend Tree Constraints Plan
Amended Arboricultural Impact Assessment

Amended Planning Statement
Amended Design and Access Statement (version 2)
Amended Transport Statement
Additional Air Quality Assessment

Amended Archaeological and Heritage Assessment
Heritage Summary Report
Archaeological Evaluation
Noise Assessment Report March 2022

Extended Phase 1 and Bat Survey Report Amended Hibernation Survey -
Addendum Report Rev 2
Ecology Summer Survey Addendum Report
Soltys Brewster Ecology Response Ltr Sept 2021
Amended - 3703-PA-230 Rev A Proposed Bat Roost
Amended Ecology Report - Survey for Bats and Reptiles
Ecology comments from agent ecologist
Attachment to NRW email- with comments on email

ESP.7052b.3120 Geo-Environmental & Geo-Technical Report
ESP.7052b.3120 - Appendix A - Evaluation MethodologyESP.7052b.3120 -
Appendix B - Historical Maps
ESP.7052b.3120 - Appendix C - Envirocheck Data ReportESP.7052b.3120 -
Appendix D - BGS Borehole Records
ESP.7052b.3120 - Appendix E - Preliminary Uxo Risk Assessment
ESP.7052b.3120 - Appendix F - Trial Pit Records

ESP.7052b.3120 - Appendix G - Windowless Sample Drillhole Records
ESP.7052b.3120 - Appendix H - Results of Soakaway Infiltration Testing
ESP.7052b.3120 - Appendix I - Results of DCP Testing
ESP.7052b.3120 - Appendix J - Results of Gas and Ground Monitoring
ESP.7052b.3120 - Appendix K - Geotechnical Lab Test Results
ESP.7052b.3120 - Appendix L - Geoenvironmental Lab Test Results
ESP.7052b.3120 - Cowbridge Plates
ESP.7052b.3120 - Fig 1 - Site Features
ESP.7052b.3120 - Fig 2 - Investigation Point Plan

Reason:

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

3. Notwithstanding the submitted details, and prior to their use on site samples of all materials and finishes to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to its first beneficial use.

Reason:

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

4. Notwithstanding the submitted plans no development (or any site clearance / demolition) shall commence until full details of existing ground levels within and adjacent to the site and proposed finished external and floor levels of the buildings 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 the amenities of the area 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.

5. Notwithstanding the submitted plans, prior to the commencement of development (including any demolition) full details of all means of enclosure around and within the site, including details of any existing enclosures which are to be retained/alterd, in addition to details of the works to reinstate / alter the existing low level stone wall, stone piers and railings and a 1.8m high stone wall along eastern boundary of Plot 1. shall be submitted to and approved in writing by the Local Planning Authority. Where the agreed means of enclosure forms the site boundary with adjacent dwellings, this means of enclosure shall be erected prior to the commencement of development (including any demolition). All other means of enclosure as approved shall be completed in accordance with the approved details prior to first beneficial occupation of the respective houses and flats and shall thereafter be so retained. Notwithstanding the provisions of the Town and Country

Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no other fences, gates or walls shall be erected within the site other than those agreed.

Reason:

To safeguard the amenity and privacy of adjoining occupiers and in the interests of visual amenity as required by Policy MD2 (Design of New Development) of the Local Development Plan.

6. Notwithstanding the submitted details, a method statement setting out the "no dig" method of construction within the RPA area of the protected trees shall be submitted to and approved in writing by the Local Planning Authority. The "no dig" works shall thereafter be carried out in full accordance with the agreed method statement.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

7. All the trees shown on the Draft Tree Protection Plan shall be protected by fencing, the type of which shall be approved in writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained* until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

* the only works permitted within the Root Protection Area of the protected trees within the protective fencing is the "no dig construction" works which shall take place at the end of the contract after the completion of the houses and flats.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

8. Notwithstanding the submitted plans, other than demolition, no construction works shall take place until there has been submitted to and approved in writing by the Local Planning Authority an amended scheme of landscaping, which shall include a detailed layout and specification for the seating and play area. The seating and play areas shall thereafter be laid out in accordance with the agreed details, prior to the occupation of any of the flats and thereafter retained.

Reason:

To safeguard local visual amenities and to ensure appropriate amenity space provision for the occupiers and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

10. The building and site must be development in line with the detailed noise mitigation measures as set out in the Noise Assessment Report March 2022, except for the 1.8m high fence to the eastern boundary of Plot 1, which shall be a 1.8m high stone wall. All mitigation measures shall be completed before the occupation of any of the dwellings or flats and thereafter retained in perpetuity.

Reason:

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

11. Prior to occupation a post development noise assessment shall be undertaken and submitted for approval to the Local Planning Authority. The post development noise assessment shall demonstrate that all habitable rooms in the attic space achieve internal noise levels of 35dBA Leq16hour during the day and bedrooms achieve 30dBA Leq 8hour at night (with windows closed), consideration should also be taken in regards to the LAMax 45db which will need to be achieved. The relevant flats that do not achieve the required standard shall not be occupied until such mitigation has been undertaken to comply with the above standards.

Reason:

In order to ensure that future occupants of the residential development are not affected by unacceptable levels of road noise to meet the noise impacts as set out in TAN 11 and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

12. The building shall not be occupied until the parking, cycle parking and associated access and turning areas have been laid out on site in accordance with the

approved plans and the approved layout shall thereafter be kept available for the parking of vehicles / cycle parking in perpetuity.

Reason:

To ensure that satisfactory vehicle and cycle parking and turning facilities is provided on site 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.

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

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials and haulage routes;
- 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) a method statement for the phasing and demolition works of the building;
- 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;
- xi) diesel and oil tank storage areas and bunds;
- xii) 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.

14. 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 until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. 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.

15. Any aggregate (other than virgin quarry stone) or recycled aggregate or any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

16. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason:

To ensure that the safety of future occupiers is not prejudiced. in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

17. No dwelling or flat shall be occupied until the parking spaces and cycle storage, associated access and turning areas have been laid out within the site in accordance with drawing no 3703/PA/210 Rev I (Proposed Site Layout) which shall thereafter be retained in accordance with the approved layout in perpetuity.

Reason:

To ensure that satisfactory vehicle parking, access and turning facilities is provided on site 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.

18. The development hereby approved shall have a minimum of 10% of all car parking spaces provided with charging "passive" infrastructure to include the necessary cabling and ducting to enable the simple installation and activation of EVCP parking spaces at a future date.

Reason:

To facilitate future provision of electric vehicle charging point parking to serve the development to ensure compliance with Policy 12 (Regional Connectivity) of Future Wales - The National Plan 2040.

19. Prior to the beneficial use of the building hereby approved, an ecological design strategy (EDS) addressing enhancement measures shall be submitted to and approved in writing by the local planning authority and the development shall thereafter be carried out in accordance with the approved strategy within a timescale agreed within the EDS. The EDS shall include the following:

- a) Details of bird box provision
- b) Details of landscaping features
- c) Details of any additional ecological enhancements

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.

20. No demolition or removal of any internal features of the building shall commence until an appropriate programme of historic building recording and analysis has been secured (which shall take the form of a level III survey as set out in "Understanding Historic Buildings: A Guide to Good Recording Practice", Historic England, 2016) and implemented in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the Local Planning Authority.

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) and SP10 (Built and Natural Environment) of the Local Development Plan.

21. The drainage scheme for the site shall ensure that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

22. Other than demolition, no construction works shall commence on site until a detailed scheme for the surface water drainage of the site, showing how road and roof / yard water will be dealt with has been submitted and approved in writing by the LPA. If infiltration techniques are used, then the plan shall include the details of field percolation tests. Any calculations for onsite attenuation or discharge should also be included together with the details on the management of the drainage system. The approved scheme shall be implemented prior to first beneficial occupation of any unit.

Reason:

To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere and to prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

23. Before the commencement on the construction of development, full engineering details of the extent of the extent of internal access road and turning area to be adopted, including drainage and lighting shall be submitted to and approved in writing by the Local Planning Authority. The engineering details as approved shall be fully completed before the first beneficial use of any of the houses and flats hereby approved.

Reason:

To ensure the means of access to the site is provided in accordance with the Council's standard details for adoption and in the interests of highway safety and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

NOTE:

1. CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

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.

- 2. 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 DCWW 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 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.

3. **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>

4. **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.**
5. **The archaeological work must be undertaken to the Chartered Institute for Archaeologists (CIfA), "Standard and Guidance for Building Recording" (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.**
6. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**

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.

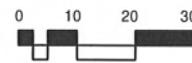
Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Revisions

A Scale bar added

14/12/2018

2018/01408/FUL



 Site Boundary

Site Area = 5170m²
0.517ha

pentan
architects

22 Cathedral Road
Cardiff CF11 9LJ

t: 029 2030 9010
info@pentan.co.uk

Project
Aberthin Road, Cowbridge

Client
Hafod Housing

Drawing Title

Site Location Plan

Date
Nov '18

Scale
1 : 1250 @ A4

Drawing No.
3703 / PA / 001

Rev.
A

NOTES Do not scale. All dimensions are in millimetres unless stated otherwise

2021/00622/FUL Received on 18 May 2022

APPLICANT: Kestral Construction and Hafod HA

AGENT: Mr Liam Griffiths Asbri Planning Ltd., Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

81-85, Holton Road, Barry

Part demolition, extension and conversion of the upper floors of no. 81 – 85 Holton Road to provide 25 no. residential flats, internal and external alterations and associated works

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 that is not covered by the scheme of delegation.

REPORT

The application site is 81-85 Holton Road, Barry and is part of the Holton Road District Retail Centre. It comprises four commercial units at ground floor, 3 no retail (one double unit and two single units) and a bank in the corner unit that also fronts Newlands Street. The upper floors are ostensibly vacant/ unused. It is a primarily three-storey building with an additional (third) floor set within the Mansard style roof on the rear annexe of the building.

It is proposed to partly demolish, extend, and convert the upper floors of the building to provide 25 affordable flats, comprising 14 one bedroom flats and 11 two-bedroom flats.

The application was reported to Planning Committee on 15th December 2021 whereby it was resolved to approve the application subject to conditions and a Section 106 agreement securing planning obligations. The associated Officer's Report is appended as **APPENDIX A**.

An amendment to the resolution is sought following a change in the applicant to Hafod Housing. The amendment would allow for a claim to be made for the exemption from paying financial planning obligations which is applicable to affordable residential developments of 25 units or less delivered by The Council or its four Housing Association Partners.

The site context and relevant planning policies and guidance are described in the Officer's report to Committee on 15th December 2021, **APPENDIX A**. These have not changed, other than for the adoption of the amended Affordable Housing SPG on 9th May 2022. Whilst this policy document has been updated, there has been no material change in policy such that would affect the assessment of this proposal. The Officer's report also describes the proposed development, which remains unchanged, the results of the consultation process and provides an assessment of the scheme.

It was resolved to approve the application subject to completion of a Section 106 agreement securing the following:

- The developer pays £54,996 for the provision or enhancement of educational facilities in schools serving the development for Secondary school children.
- The developer pays a contribution of £57,500 towards sustainable transport facilities in the vicinity of the site.
- The developer provides public art on the site to the value of 1% of the build costs or otherwise pays a contribution to the same value to the Council.
- The developer pays a contribution of £66,700 towards providing or enhancing public open space in the vicinity of the site.
- The developer pays the legal and implementation/monitoring fees for the S106 agreement.

On 5th September 2016, Cabinet (Minute C3271) agreed that schemes for 100% affordable housing developments of twenty-five units or less delivered either by the Council or its four Housing Association Partners (Hafod Housing, Newydd Housing, United Welsh Housing and Wales & West Housing) will be exempt from paying financial planning obligations.

Hafod are eligible for the above exemption and so it is proposed to amend the previous resolution so that either the development be delivered by Hafod (or another eligible party), and if not, the financial planning obligations are paid. The S106 agreement would also contain a mechanism to ensure the delivery of the affordable housing units. Hafod have also requested that the mechanism to secure delivery of affordable housing is contained in the legal agreement, instead of by planning condition, due to the requirements of their lenders. A legal agreement is an equally secure method of ensuring the delivery of the affordable units and there is no procedural concern with this alternate approach.

Having considered the above, as previously reported to Committee in December 2021 the proposed development is recommended for APPROVAL, subject to the deletion of previously recommended condition 9 (affordable housing) and a revised S106 agreement as detailed above.

RECOMMENDATION

EITHER

- The residential units are delivered by the Vale of Glamorgan Council, or by a Housing Association Partner (Hafod Housing, Newydd Housing, United Welsh Housing or Wales & West Housing) of the Vale of Glamorgan Council.

OR

- The developer pays £54,996 for the provision or enhancement of educational facilities in schools serving the development for Secondary school children.
- The developer pays a contribution of £57,500 towards sustainable transport facilities in the vicinity of the site.

- The developer provides public art on the site to the value of 1% of the build costs or otherwise pays a contribution to the same value to the Council.
- The developer pays a contribution of £66,700 towards providing or enhancing public open space in the vicinity of the site.

AND

- The units shall only be occupied as affordable housing that meets the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing, or any future guidance that replaces it.
- The developer pays the legal and implementation/monitoring fees for the S106 agreement.

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:

A100 - SITE LOCATION PLAN - B
 A113 - Proposed Sections
 A107 - PROPOSED SITE PLAN - B
 A108 - PROPOSED GROUND FLOOR - C
 A109 - PROPOSED FIRST FLOOR PLAN - B
 A110 - PROPOSED SECOND FLOOR PLAN - B
 A111 - PROPOSED THIRD FLOOR PLAN - B
 A112 - PROPOSED ELEVATIONS - B

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. A Travel Plan shall be submitted to an approved by Local Planning Authority prior to the first beneficial occupation of the development and shall include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be implemented in accordance with the measures and timings contained in the approved details.

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.

4. Notwithstanding the submitted details, a schedule of materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason:

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

5. A scheme of ecological and biodiversity enhancements shall be submitted to and approved by the Local Planning Authority and thereafter implemented prior to the first beneficial occupation of the development.

Reason:

In the interests of ecology and to ensure the development accords with Policy MD9 of the Local Development Plan.

6. Further details of the proposed amenity space (garden terrace) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include details of planting, surfacing and minor artefacts such as furniture. The amenity space shall thereafter be implemented in accordance with the approved details and retained so long as the development remains in existence.

Reason:

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

7. The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with the approved details illustrated on plan A108 Rev C and they shall be retained so long as the development remains in existence.

Reason:

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

8. No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday	08:00 – 18:00
Saturday	08:00 – 13:00

Unless such work is:

(a) associated with an emergency (relating to health and safety or environmental issues);

(b) carried out with the prior written approval of the Local Planning Authority.

Reason:

To safeguard the amenities of local residents, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

9. Any part of any window of the northern elevation that is below 1.7m in height above the level of the floor in the room that it serves shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane prior to the first beneficial occupation of the development, and so retained at all times thereafter.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1– Delivering the Strategy, SP3 – Residential Requirement, SP4 – Affordable Housing Provision, 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, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD4 - Community Infrastructure and Planning Obligations, MD6 - Housing Densities, MD7 - Environmental Protection, and MD9 - Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Future Wales, National planning policy in

the form of Planning Policy Wales (Edition 11), Technical Advice Notes 2 – Affordable Housing, 5 - Nature Conservation and Planning, 12 - Design, 16 - Sport, Recreation and Open Space, 18 - Transport and the Council's Supplementary Planning Guidance on Affordable Housing, Barry Development Guidelines, Biodiversity and Development, Parking Standards, Planning Obligations, Residential and Householder Development, and, the proposed development is considered acceptable in principle and in respect of design, visual impact and layout, residential amenity, parking, traffic, highway safety, amenity/open space, drainage, ecology, and planning obligations and local 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. 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

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.

Revisions

- A. New amendments
- B. Revisions

Notes
 Do not scale by this drawing. Use figure dimensions only.
 This contract is made subject to the terms and conditions set out in the contract documents and any amendments thereto which are incorporated by reference into the contract documents.
 Copyright of this drawing belongs solely to CHAMBERLAIN Moss KING. The copyright and all other rights must not be reproduced for any purpose without written permission.

**CHAMBERLAIN
 MOSS
 KING**
 ARCHITECTS

87a Orla Street | Poynton
 Vale of Glamorgan | CF89 7EE
 T: 02920 362400
 chamberlainmossking.co.uk

Project	HOLTON ROAD, BARRY
Project number	N009
Client	KESTRAL CONSTRUCTION LTD
Title	SITE LOCATION PLAN
Drawing number	A100
Scale	1 : 1250 @ A3
Revision	B
Status	PLANNING
Drawn	PC
Date	27.04.21

2021/00622/FUL



01 SITE LOCATION PLAN
 1 : 1250

2021/00622/FUL Received on 25 November 2021

APPLICANT: Kestral Construction and Cadwyn HA

AGENT: Mr Liam Griffiths Asbri Planning Ltd., Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

81-85, Holton Road, Barry

Part demolition, extension and conversion of the upper floors of no. 81 - 85 Holton Road to provide 25 no. affordable residential flats, together with internal and external alterations and associated works

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 that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

The application site is 81-85 Holton Road, Barry and is part of the Holton Road District Retail Centre. It comprises four commercial units at ground floor, 3.no retail (one double unit and two single units) and a bank in the corner unit that also fronts Newlands Street. The upper floors are ostensibly vacant/ unused. It is a primarily three-storey building with an additional (third) floor set within the Mansard style roof on the rear annexe of the building.

It is proposed to partly demolish, extend, and convert the upper floors of the building to provide 25.no affordable flats, comprising 14.no one bedroom flats and 11.no two-bedroom flats.

There have been 25 objections to the scheme. The principal reasons cited by all respondents were parking related. There were also concerns raised in relation to traffic, anti-social behaviour, security, residential amenity, lack of local facilities, disabled provision, and procedural matters. Barry Town Council stated no objection. The main issues relate to the principle of the development, parking and highway safety, design and visual impact, residential amenity, drainage, ecology, and planning obligations.

Having considered the above issues, the proposed development is recommended for Approval, subject to conditions and a Section 106 agreement securing planning obligations.

SITE AND CONTEXT

The application site is 81-85 Holton Road, Barry and is part of the Holton Road District Retail Centre. It comprises four commercial units at ground floor, 3.no retail and a bank in the corner unit that also fronts Newlands Street. It is a primarily three-storey building with an additional (third) floor set within the Mansard style roof on the rear annexe of the building. The building is typical of corner properties on Holton Road and retains its original window openings, red brick elevations and architectural detailing on the upper floors. The shop fronts at ground floor are much altered and have a disparate character.

The site is shown edged red in the image below:



Holton Road and Newlands Street are part of a one-way traffic system and parking restrictions are in place on these streets.

DESCRIPTION OF DEVELOPMENT

It is proposed to partly demolish, extend, and convert the upper floors of the building to provide 25 no affordable flats, comprising 14 no one bedroom flats and 11 no two-bedroom flats. The flats would have a dedicated pedestrian access to the rear of the building, off Newlands Street. In turn, this would lead to an internal staircase to access each of the floors. The flats are proposed to be laid out surrounding a central atrium with a garden terrace at first floor level.

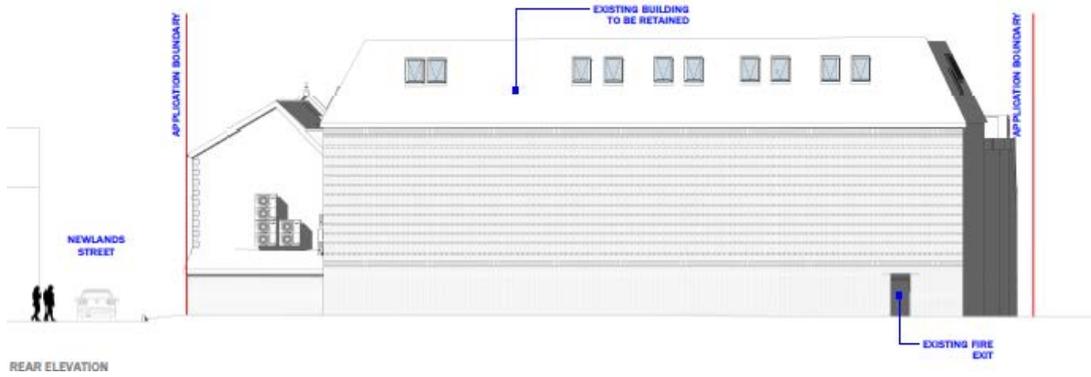
The layout is depicted on the first-floor plan extract below:



The proposal is principally a conversion but would involve some alterations to the configuration of the third floor and roof level. However, the total internal floor space would be reduced overall following demolitions and the creation of the light well.

The external alterations are depicted on the elevation plan extracts below. They illustrate the alterations to the rear annexe and roof at third floor, as well as the removal of several roof lights on the northern facing elevation, the housing of existing a/c units in timber casing, and the provision of a new doorway.

Existing elevations



APPENDIX A

Proposed elevations



There is no onsite parking at the site and no new parking provision is being proposed.

PLANNING HISTORY

1987/00950/FUL, Address: 81 - 87, Holton Road, Barry, Proposal: Extension of existing retail store to provide four floors of retail space within a new rear extension with alterations to existing shop, Decision: Approved

1996/00555/FUL, Address: 81 - 85, Holton Road, Barry - Dan Evans, Proposal: Replacement of shopfront, cleaning and repair of structural envelope, Decision: Approved

APPENDIX A

2006/00543/FUL, Address: 81-85, Holton Road, Barry (former Dan Evans), Proposal: Change of use from Class A1 to A2 and new shopfront (relating to part of former Dan Evans Store), Decision: Approved

2006/01042/FUL, Address: Unit 2, 81-87, Holton Road, Barry, Proposal: Shop front installation, Decision: Approved

2006/01156/FUL, Address: Unit 3, 81-85, Holton Road, Barry, Proposal: Installation of new shopfront, air conditioning & internal alterations, Decision: Approved

2007/00528/FUL, Address: Unit 2, 81-85 Holton Road, Barry, Proposal: New shopfront, Decision: Approved

2015/00266/FUL, Address: HSBC, 85, Holton Road, Barry, Proposal: Existing external ATM to be replaced with new model ATM in same location, Decision: Approved

There are also several applications for advertisement consent at this address.

CONSULTATIONS

Barry Town Council stated no objections subject to the satisfaction of the VoGC planning department.

VoGC Highway Development stated no objection because of the site being in a town centre with excellent access to local amenities and public transport. It was commented that some parking was available in the vicinity of the site during the day with a 2-hour time limit and parking available outside of the hours 8am - 6pm (on Holton Road). It was also stated that cycle parking at 1 space per 5 bedrooms should be provided in and a travel pack should be provided to each unit with guidance on local sustainable transport.

In relation to permit parking, it was also advised that article 4.11 of the Vale's Resident Parking Controls Policy states:

"For Resident Permit Parking Bay schemes, residents of corner properties may be allowed to choose whether their permits are assigned to the road of their postal address or to an adjacent road if a property's main access is located there, provided that the scheme is in place in that street".

Councils Drainage Section – no response received to date.

Shared Regulatory Services (Pollution) recommended a Construction Environmental Management Plan (CEMP) was put in place.

Dwr Cymru / Welsh Water stated that network capacity exists to receive the domestic foul only flows and no problems were envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from the proposed development site. Advisory notes were also provided in relation to regulatory requirements for new connections, surface water disposal and asset protection.

VoGC Housing Strategy stated their support for the development, noting that there is a need for additional affordable housing in the Vale of Glamorgan. In evidence, they provided the following figures from the council's Homes4U waiting list:

APPENDIX A

BUTTRILLS	
1 BED	364
2 BED	127
3 BED	54
4 BED	12
5 BED	1
	558

They also commented that the social landlord named is not one of the Vale's current partner zoned Registered Social Landlords (RSL) and advised that, as there was a full programme for the foreseeable future, there is no Social Housing Grant availability for several years. It was strongly advised that early engagement with them would be essential for any new RSLs seeking to expand into the Vale authority area.

Buttrills Ward Councillors – Cllr I Johnson has sought updates and passed on correspondence from local residents, but no comments relating to the merits of the proposal have been received by the local ward Councillors.

VoGC Ecology Officer – did not object to the development but recommended that enhancement measures instead target starlings due to the location suitability and their decline in population.

VoGC Education stated that the scheme would generate a demand for 1.no nursery, 3.no primary and 2.no secondary (2 aged 11-16) placements. However, as projected local capacity was considered sufficient for nursery and primary, a S106 contribution equating to £54,996 was requested toward secondary level education provision.

South Wales Police provided local crime figures and detailed guidance relating to Secured by Design, principally to seek to reduce opportunities for crime and anti-social behaviour. These included recommendations relating to securing the building perimeter, external lighting, CCTV, a secure door entry system, doors, and general site management/ risk assessment.

REPRESENTATIONS

The neighbouring properties were consulted by letter on 10 May 2021. A total of 34 addresses were written to (inclusive of the commercial units nearby).

Two site notices were also displayed near the site on Richard Street and Newlands Street on 7 May 2021.

The application was also advertised in the press on 10 June 2021.

25 representations have been received. Although a small number of responses stated that the principle of bringing the property into beneficial use as affordable housing was a positive factor, all objected and/or raised concerns relating to these proposals.

APPENDIX A

The principal ground for objection mentioned by all respondents, in summary, was the lack of proposed parking and lack of on-street capacity to accommodate demand from the development. There was concern that the residents parking bays on Newlands Street and Richard Street would be overwhelmed, and problems relating to congestion, speeding, and road obstruction would occur – to the detriment of highway and pedestrian safety. It was also stated that the applicant's justifications in relation to parking and sustainable transport outlined in their supporting documentation were unrealistic.

The grounds of objection and concerns raised have been summarised below:

- Overlooking / loss of privacy
- Construction traffic
- Traffic congestion
- Pollution
- Waste
- Detriment to/ lack of security
- A lack of local facilities
- Litter
- Noise and disturbance
- Anti-social behaviour
- Insufficient consultation
- Submitted documentation misrepresentative
- Lack of provision for disabled residents

The public consultation exercise described above is commensurate to the size of the development and has exceeded statutory requirements.

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 SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG4 – Affordable Housing
POLICY MG5 – Gypsy and Traveller Site
POLICY MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species

APPENDIX A

POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species

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 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.

In relation to car parking, the following paragraph is of relevance:

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.

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 12 – Design (2016)

APPENDIX A

- 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). 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)
- Barry Development Guidelines
- Biodiversity and Development (2018)
- Parking Standards (2019)
- Planning Obligations (2018)
- Public Art in New Development (2018)
- 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
- Welsh Office Circular 13/97 - Planning Obligations
- Welsh Development Quality Requirements 2021: Creating Beautiful Homes and Places
- Secured By Design Homes 2019 (Version 2, March 2019)
- 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.

APPENDIX A

Well-being of Future Generations (Wales) Act 2015

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

Issues

The principle of the development and affordable housing need

The application site lies within the settlement boundary of Barry as defined within the Local Development Plan (LDP). The proposals are also for the beneficial use of the upper floor only, with the existing retail units retained at ground floor. The development is therefore wholly compliant with policy in respect of the principle of residential development on this site.

Given that the site lies within the settlement boundary of the town, a residential development is acceptable in principle and consequently the development need not be justified further with reference to local affordable housing need. However, as context, it is relevant to note the affordable housing need in the area.

Local need for affordable housing within the Vale is evidenced by the Council's Local Housing Market Assessment which determined that 890 additional affordable housing units were required each year to meet housing need in the area, with Barry being one of the areas in highest need. There is a target for 3,252 affordable residential units to be provided over the plan period as identified by policy SP4 of the Local Development Plan. Further evidence is provided by the Council's Homes4U waiting list in the Buttrills ward:

BUTTRILLS	
1 BED	364
2 BED	127
3 BED	54
4 BED	12
5 BED	1
	558

This table shows registered affordable housing need in the Buttrills ward. The proposal would provide additional affordable housing, although the demand for affordable units would still far outstrip supply in the ward. Consequently, there is an identified need for these units, which would assist the Council in meeting local affordable housing demand in the locality.

The prospect of anti-social behaviour (including littering) has been raised in representations. Firstly, and as noted above, there is significant demand for affordable accommodation locally that is not being met by the existing stock. Whilst the future behaviour of individuals cannot reasonably be accounted for, as an affordable housing

APPENDIX A

development it is subject to Welsh Development Quality Requirements (WDQR), which in turn requires affordable housing developments achieve a Secured by Design (SBD) Gold Standard. The SBD standards are referred to by South Wales Police in their comments. These are applicable to all affordable housing developments. Lastly, and perhaps most importantly, providing good quality affordable homes is a critical part of addressing some of the root causes of anti-social behaviour, such as improving quality of life, wellbeing and, ultimately, social outcomes. The principle of the development is favoured in policy.

Policy MD6 – Housing Density of the LDP also sets out acceptable housing densities, to ensure the efficient and best use of land. The policy requires a minimum of 30 dwellings per hectare and based on this site area the development is compliant with this policy.

The development is therefore considered acceptable in principle and compliant with Policies MD1 - Location of New development, MD2 – Design of New Development, MD5, and MD6 of the LDP.

Parking and highway safety

The proposed development would involve some demolition and extension of the building, but as noted above, it is primarily a conversion and the usable internal floor space would be decreased. There would be approx. 2260sq.m floor space lost, with a gain of 11.no two bedroom and 14.no one bedroom flats. The existing use of the building is A1 (Shops) and, although presently vacant, could be put to lawful use. There is no evidence to suggest, in terms of traffic movements and trips, that the development would fundamentally affect traffic flows or cause additional localised congestion and/or air pollution.

The principal issue to consider, given the development would not be served by any off-street parking, is whether the development is acceptable being reliant upon on-street parking capacity alone.

The applicant has drawn attention to favourable planning policy, including within Planning Policy Wales (PPW). This document provides a broad planning policy framework, with the overall aim to reduce over-reliance on the private car and promote more sustainable modes of travel. A part of this strategy is to give policy support for schemes that keep parking levels down, especially off-street parking, when well designed. These policies, alone, do not justify zero parking in all circumstances with each case being considered on its merits and the local context.

In the first instance, the site is situated in a highly sustainable location. It is within walking distance of a range of day to day shops, employment, leisure and local services, as well as being very near to primary bus routes and within reasonable walking distance of Barry Dock Train Station. The latter will also mean that the site is accessible by direct public transport to Cardiff and Bridgend. The location alone clearly does not guarantee that occupiers of the development will not own cars, which is a matter of personal circumstance. However, the absence of private parking, proximity of local services and convenient alternative transport options mean this is a site where occupants could realistically exist without a car.

Applications for other affordable housing schemes in Barry have been accompanied by survey data of parking space use in social rented developments. These have found, on average, c.0.43 parking spaces per unit were being used. This tallies with 2011 census data submitted to the Council which found 54% of social rented households in the Vale of

APPENDIX A

Glamorgan have no access to a car and that there are typically 0.3-0.4 cars per social rented unit (1 and 2 bedrooms). The applicant has submitted no such evidence in this application, but it is nonetheless reasonable to estimate car ownership for this development to average c. 9 in total, based on the composition of bedrooms.

The applicant has provided no supporting survey evidence of local parking capacity availability. There are some spaces on Holton Road directly adjacent to the development, but these are relatively limited in number and subject to daytime 'short stay' time restriction. They would nonetheless be available evening/ overnight, as are the spaces on Newlands Street and Richard Street. The latter two are a mix of 'short stay' and 'resident permit holder' bays (permit holders can use both freely). The pedestrian access to this development would be to Newlands Street, meaning occupiers would likely be eligible to apply for permits here. The Officers observations confirm a relatively high demand for spaces on these streets, although a small number of spaces were available on both streets (c.5 – 8 on Newlands Street, c. 8 – 18 on Richard Street) daytime to early evening.

Notwithstanding that, while the upper floors are not ostensibly in beneficial use, the site could be lawfully used within the A1 (Shops) class. The parking demand associated with the authorised use of the site, i.e. the 'fall-back' position, is relevant to consider. The Parking Standards SPG outlines a shop equivalent to the floor space lost to conversion (2260sq.m) would have a maximum standard of 60 spaces (1 space per 40sq.m, plus 3 operational spaces). The equivalent residential standard for the proposed development would be 41 spaces (1 space per bedroom, plus 5 visitor spaces).

It is highly unlikely either would generate demand near the maximum standard in this location and whilst the SPG does not provide a definitive method of comparing demand (the characteristics of the two uses also being different), these standards are evidence based. A shop that fully utilised the building would likely have a much higher peak and short stay demand than the proposed residential scheme (particularly at the car ownership rates projected, considering the above) – but would likely ease out of hours. Ultimately, low capacity in the adjoining streets may prove an obstacle to residents parking close to their homes, but on the whole, the proposal would not be vastly different to the existing use, or indeed any other alternative beneficial use to which the building might likely be put.

As noted above, Planning Policy Wales (PPW) aims to reduce over-reliance on the private car and encourage more sustainable modes of travel. In line with that advice, the Council's parking standards are 'maximums' and are not minimum standards. The SPG recognises that there will be some circumstances where higher levels of parking will be more appropriate, however, sustainable town centre locations such as this are examples of where lower parking levels can and should be accepted, particularly for this tenure type.

It is recognised that on-street parking is often a cause for concern for existing residents close to such developments, especially where representations and the observed situation suggests they cannot always park conveniently. However, it is considered in this case that the development has extremely high sustainability credentials, making use of an existing building on a constrained site, and this lack of dedicated parking provision would not justify refusal of the application. Finally, it should be noted that the Highways Engineer has not objected on parking grounds. While the development may add to pressure for on street parking, the tenure type and unit sizes are such that this is not likely to result in significant additional pressure. Furthermore, it has not been found to be the case that there is no availability in the immediate and wider vicinity of the site. Given this and the fact that the site is likely as sustainable as one could be within the town, and given the clear direction of

APPENDIX A

policy (for environmental and climate reasons) to reduce car use, the development is on balance considered acceptable in this context without parking.

The plans show a cycle store capable of accommodating 8 bicycles. This is considered acceptable to serve the development and implementation is a requirement of Condition 7. The Highways Engineer also recommended measures to promote sustainable transport through travel packs. This can be accommodated for through submission and approval of a travel plan (condition 3). This would normally be a requirement for larger (50+) residential schemes. However, considering the lack of off-site provision in this case, is justified for this smaller scheme. Whilst there may be some disruption from construction traffic, this is temporary and would not justify refusal of an otherwise acceptable development.

Having regard to the above, the development is considered acceptable in respect of parking, traffic and highway safety.

Neighbouring amenity

The proposed alterations to the roof would have no significant impact on neighbouring amenity, in terms of shading, light or being overbearing.

The development largely utilises existing windows, and whilst some of these would be less than 21m from opposing windows, these instances are limited to the properties on the opposite side of Holton Road and Newlands Street. This is reflective of the existing urban layout and considered acceptable in this context. The existing roof lights in the rear roof plane (north facing) serving the third floor, are shown to be removed. There is potential for close views over existing gardens in this direction and so whilst they need not necessarily be removed entirely to achieve this, condition 10 secures residential amenity would be acceptably protected.

Matters relating to anti-social behaviour have been addressed subsequently in the affordable housing section of this report.

Condition 8 also seeks to would ensure that construction activities are only undertaken during appropriate hours.

The development is considered acceptable in relation to neighbouring amenity and policies MD2 and MD7 of the LDP.

Residential Amenity

In relation to the occupiers of the development, there is a 70sq.m area at first floor level described as a garden terrace. Internal bin and cycle storage areas would be provided separately on the ground floor. The standard for shared amenity space contained in the Residential and Householder Development SPG is 20sq.m per occupier and therefore the proposal would fail to comply with the SPG in this respect. However, given the constraints of the location within the district centre and the weight in favour of the development in terms of affordable housing provision, it is considered that the proposed area is sufficient in size to serve the occupiers.

The amenity space would be external, but nonetheless has have a limited outlook. It is, however, the most practical provision given the constraints of the existing site layout. In

APPENDIX A

relation to the units, Nos 3, 11, 14 and 22 would also be served by windows facing inwards on the development. Whilst their outlook would be of the development interior, the layout nonetheless affords these units access to an acceptable amount of natural daylight and, on balance, provides acceptable living conditions for the occupiers.

It should be noted that in other instances within the town centre, residential conversions have been allowed with relatively little outdoor space. That position recognises that town centre sites are generally very constrained and where outdoor space belongs to ground floor units, it is very difficult to provide outdoor space to serve upper floor conversions. Refusing such proposals would likely lead to the continued vacancy of upper floors, which would not positively contribute to the town centre. Consequently, where a useable and beneficial space can be provided, it is considered reasonable to apply flexibility with the overall area. In this context, it is considered that the space provided in this case is reasonable.

Having regard to the above, it is considered that the development would not adversely impact upon residential amenity (in accordance with policies MD2 and MD7 of the LDP, and the Council's SPG).

Ecology

The application is supported by a bat survey report which did not identify bats present at the application site. The report included an external visual survey and flight surveys, which recorded no evidence of bats using the building and only low levels of activity near the site. Although bats will be present in urban areas (and were seen in the vicinity of the site) the likelihood of bats using the building will be relatively low the context and the relatively good condition of the building.

The report also makes recommendations for biodiversity enhancements in the form of bat and bird boxes, targeting swift and sparrow. The Council's Ecologist made recommendation to instead target starlings, due to the site location and a trend of decline in population number. This can be secured by condition (see condition 5).

Drainage

Welsh Water have confirmed that network capacity exists to receive the domestic foul only flows and no problems were envisaged with the Wastewater Treatment Works.

It is proposed to dispose of surface water via the existing method, stated to be the Welsh Water surface water sewer. No further planning conditions were recommended by Welsh Water in respect of surface water disposal. The site is also at low risk of flooding.

The development is therefore considered acceptable in respect of drainage and Policy MD7 of the LDP and also would be subject to Building Regulations compliance.

Planning Obligations

The Council's approved Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought and indicates how they may be calculated. However, each case must be considered on its own planning merits having regard to all relevant material circumstances.

APPENDIX A

The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6 April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The application seeks permission for the construction of 25 dwellings and the following section of this report considers the need for planning obligations based on the type of development proposed, the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies. It concludes that if the development were considered acceptable in all other regards, planning obligations would be required in respect of the following:

- Sustainable Transport
- Education
- Public Open Space
- Public Art

The development is for affordable housing and its delivery as such is secured by condition 9.

Sustainable Transport

The increasing importance of sustainability 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 in order 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 SPG, the sum for the provision and/or enhancement of off-site sustainable transport facilities would equate to £2,300 per residential unit, as set in the adopted Planning Obligations SPG – a total of **£57,500** for this scheme.

Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools. PPW emphasises new development should promote access to services like education. PPW also recognises that education is crucial for the economic, social and environmental sustainability for all parts of Wales. 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.

APPENDIX A

This calculation is based on the provision of 11 units, having deducted the one-bedroom flats on the basis these are not likely to house school aged children.

The Council's Education Department were consulted and confirmed there is projected local capacity at nursery and primary level to accommodate this development. However, there is no projected capacity at secondary level. A contribution toward 2 pupils (aged 11 – 16) at Whitmore High School at a cost of £27,498 per pupil is therefore required, in accordance with the formula contained in the SPG. This would be to provide and enhance educational facilities to meet the needs of future occupiers of this development. This equates to a total contribution of **£54,996**.

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 also acts as a visual amenity.

TAN 16: Sport, Recreation and Open Space (2009) states *"Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management"*.

Based upon the SPG formula, in areas of identified need 55.68sqm public open space should be provided for unit, of which 5.80sqm should be equipped children's play space, 12.76sqm of informal play space, and 37.12sqm of outdoor sports space. A deficit of children's equipped play space and outdoor sports space has been identified in both the Buttrills and the adjoining Castleland Wards.

It would not be possible to provide onsite open space and so the Council would request a financial contribution toward delivery of new or improved public open space in the locality. This would equate to £2,668 per unit and therefore the total contribution would be **£66,700**.

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. It identifies here no current deficit or projected deficit over the plan period. No contributions are therefore sought in relation to community facilities.

Public Art

Technical Advice Note (TAN) 12 'Design' (March 2016) Section 5.15 recognises the importance role of public art, in creating and enhancing *"individuality and distinctiveness"* within a development, town, village and cities.

APPENDIX A

Public Art can bring distinctiveness and material and craft quality to developments, enable local people to participate in the process of change and foster a sense of ownership. It is therefore an important part of achieving design quality.

The Council introduced a 'percent for art' policy in July 2003, which is supported by the Council's adopted SPG on Public Art. It states that on major developments, developers should set aside a **minimum of 1% of their project budget** specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. The public art scheme must incorporate sufficient measures for the appropriate future maintenance of the works.

RECOMMENDATION

Subject to the applicant entering into a Section 106 agreement to secure the following:

- The developer pays £54,996 for the provision or enhancement of educational facilities in schools serving the development for Secondary school children.
- The developer pays a contribution of £57,500 towards sustainable transport facilities in the vicinity of the site.
- The developer provides public art on the site to the value of 1% of the build costs or otherwise pays a contribution to the same value to the Council.
- The developer pays a contribution of £66,700 towards providing or enhancing public open space in the vicinity of the site.
- The developer pays 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 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:

A100 - SITE LOCATION PLAN - B
A113 - Proposed Sections
A107 - PROPOSED SITE PLAN - B
A108 - PROPOSED GROUND FLOOR - C
A109 - PROPOSED FIRST FLOOR PLAN - B
A110 - PROPOSED SECOND FLOOR PLAN - B
A111 - PROPOSED THIRD FLOOR PLAN - B
A112 - PROPOSED ELEVATIONS - B

APPENDIX A

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. A Travel Plan shall be submitted to an approved by Local Planning Authority prior to the first beneficial occupation of the development and shall include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be implemented in accordance with the measures and timings contained in the approved details.

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.

4. Notwithstanding the submitted details, a schedule of materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason:

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

5. A scheme of ecological and biodiversity enhancements shall be submitted to and approved by the Local Planning Authority and thereafter implemented prior to the first beneficial occupation of the development.

Reason:

In the interests of ecology and to ensure the development accords with Policy MD9 of the Local Development Plan.

6. Further details of the proposed amenity space (garden terrace) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include details of planting, surfacing and minor artefacts such as furniture. The amenity space shall thereafter be implemented in accordance with the approved details and retained so long as the development remains in existence.

Reason:

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

APPENDIX A

7. The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with the approved details illustrated on plan A108 Rev C and they shall be retained so long as the development remains in existence.

Reason:

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

8. No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday	08:00 – 18:00
Saturday	08:00 – 13:00

Unless such work is:

(a) associated with an emergency (relating to health and safety or environmental issues);

(b) carried out with the prior written approval of the Local Planning Authority.

Reason:

To safeguard the amenities of local residents, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

9. The residential units hereby approved shall only be occupied as affordable housing that meets the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing, or any future guidance that replaces it.

Reason:

In order to ensure that the site delivers appropriate provision of affordable housing to meet the identified need and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP4 (Affordable Housing Provisions), MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan.

10. Any part of any window of the northern elevation that is below 1.7m in height above the level of the floor in the room that it serves shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane prior to the first beneficial occupation of the development, and so retained at all times thereafter.

APPENDIX A

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1– Delivering the Strategy, SP3 – Residential Requirement, SP4 – Affordable Housing Provision, 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, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD4 - Community Infrastructure and Planning Obligations, MD6 - Housing Densities, MD7 - Environmental Protection, and MD9 - Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Future Wales, National planning policy in the form of Planning Policy Wales (Edition 11), Technical Advice Notes 2 – Affordable Housing, 5 - Nature Conservation and Planning, 12 - Design, 16 - Sport, Recreation and Open Space, 18 - Transport and the Council’s Supplementary Planning Guidance on Affordable Housing, Barry Development Guidelines, Biodiversity and Development, Parking Standards, Planning Obligations, Residential and Householder Development, and the proposed development is considered acceptable in principle and in respect of design, visual impact and layout, residential amenity, parking, traffic, highway safety, amenity/open space, drainage, ecology, and planning obligations and local 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. 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

APPENDIX A

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

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

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

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

2021/01123/FUL Received on 28 February 2022

APPLICANT: DS Properties (Good Shed) Ltd c/o Agent

AGENT: Gwen Thomas Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

Land to the South and West of The Goodsheds, Hood Road, Barry

Proposed development of tourist accommodation, employment spaces and associated works

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 was of a scale that is not covered by the scheme of delegation when originally submitted.

EXECUTIVE SUMMARY

The application site is land at the Goodsheds, Hood Road, Barry. Specifically, the application relates to part of the land to the south and east of the main site, around the railway line.

The proposal is for the development of 5.no rail carriages for tourist accommodation and 10.no containers for employment spaces. There was originally a block of flats proposed, but these were omitted prior to the application previously being reported to Committee.

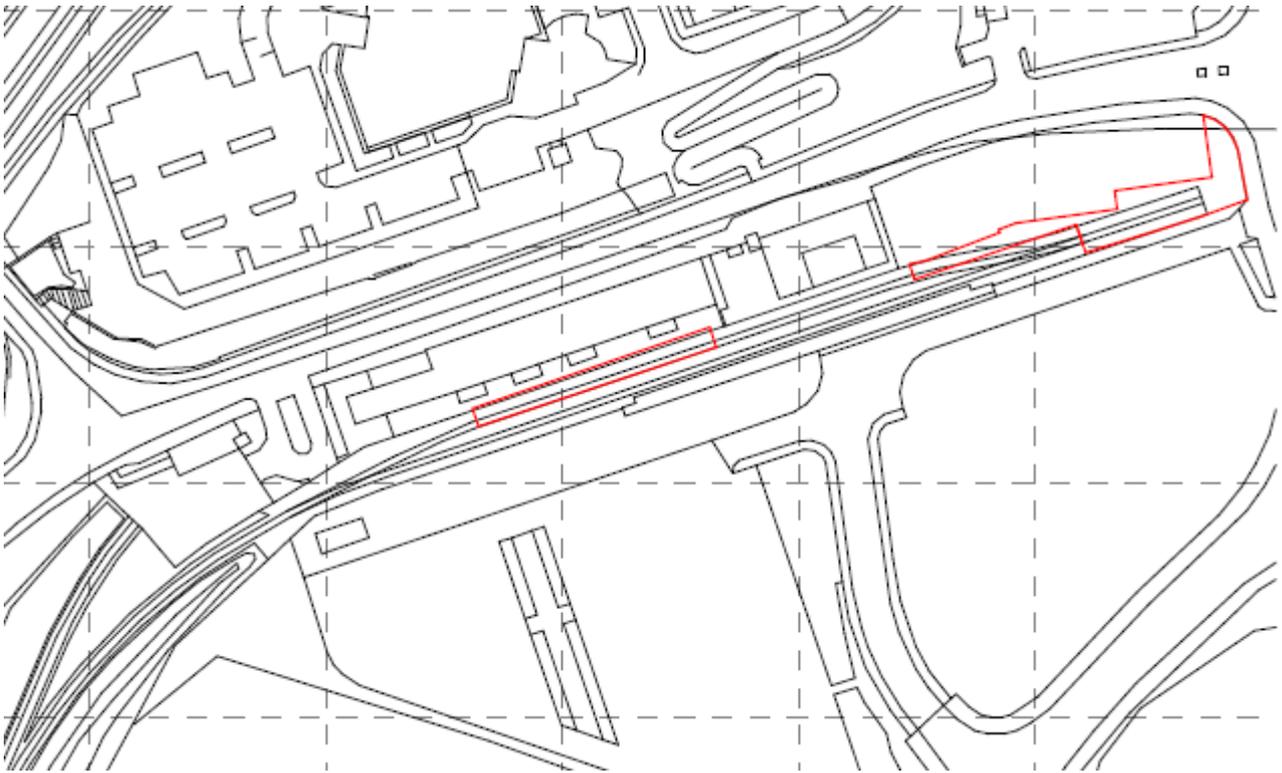
The application was heard at Planning Committee on 27th April 2022 whereby it was resolved to defer the decision to allow for consultation period to expire. However, the proposal to relocate the outdoor gym has also since been omitted.

No further representations have been received since the application was last heard at Planning Committee. As previously reported, Barry Town Council objected because of noise, disturbance, a lack of off-street parking and loading bays, lack of a landscaping scheme, overdevelopment, and poor design. There was also one public representation which stated the development pressure may negatively impact on healthcare services and resources.

The main issues considered in the assessment are the principle of the use, design and visual impact, impact on the setting of the listed Pumphouse, impact on residential amenity, parking and highway safety, and drainage. Having regard to these and other material considerations the application is recommended for APPROVAL, subject to conditions.

SITE AND CONTEXT

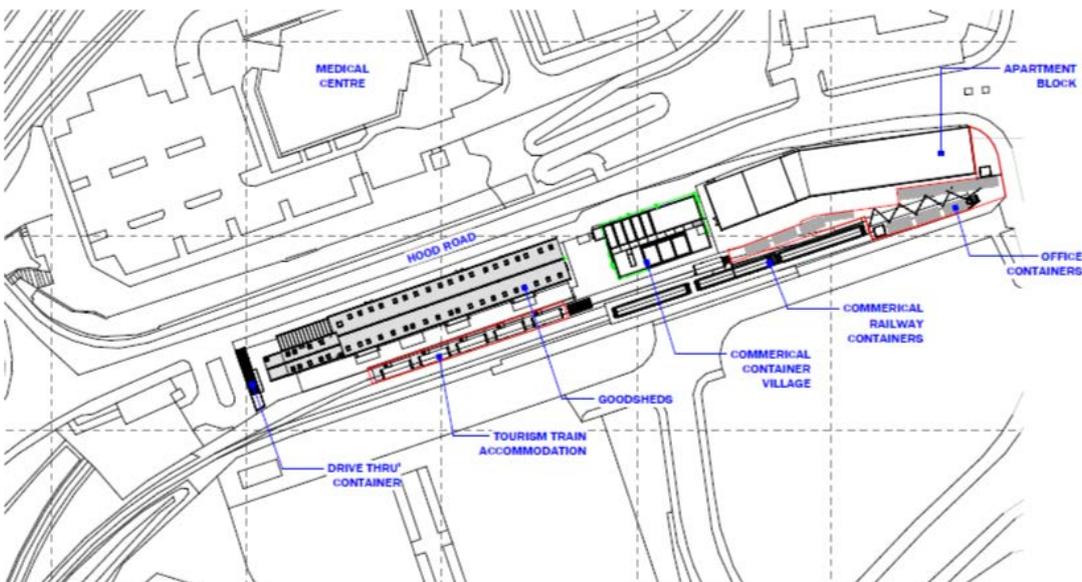
The application site is land at the Goodsheds, Hood Road, Barry. Specifically, the application relates to part of the land to the south and east of the main site, around the railway line, as shown on the location plan extract below:



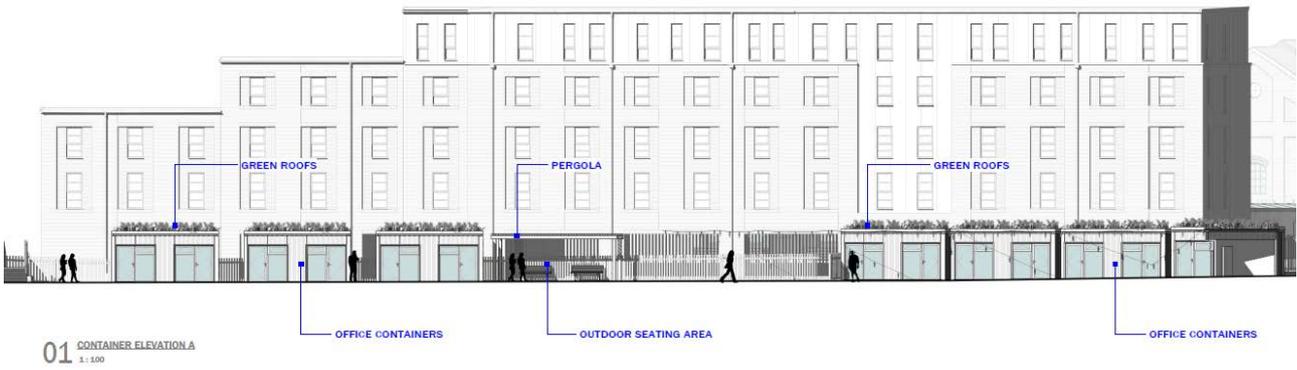
The Pumphouse to the northeast of the site is a Grade II listed building.

DESCRIPTION OF DEVELOPMENT

The proposal is for the development of tourist accommodation, employment spaces, and associated works. The employment spaces comprise 10.no office containers (providing 19 units and a w/c) and the tourism accommodation 5.no rail carriages. These would be laid out as shown below:



The office container elevations are shown below in context of the existing apartment building:



01 CONTAINER ELEVATION A
1:100



02 CONTAINER ELEVATION B
1:100

The rail carriage plans are shown below, partly in context of the existing Goodsheds building:



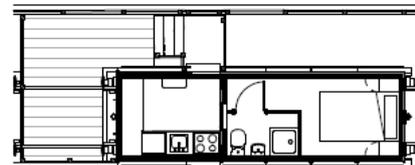
02 TOAD CARRIAGES - ELEVATION B
1:100



03 TOAD CARRIAGES - ELEVATION C
1:100



04 TOAD CARRIAGES - ELEVATION D
1:100



05 TOAD CARRIAGES - TYPICAL LAYOUT
1:50

There was also a block of 34 no flats originally proposed as part of this application which was omitted prior to consideration of the application at Planning Committee on 27th April. The proposed relocation of the outdoor gym has also since been omitted. The assessment below is made on the basis of the remaining elements, being the proposed tourism and employment units.

PLANNING HISTORY

1986/01113/OUT, Address: Dock No. 1, Barry Dock, Barry, Proposal: Complete redevelopment, Decision: Appeal Allowed

1991/00496/OUT, Address: Dock No. 1, Barry Dock, Barry, Proposal: Renewal of consent for comprehensive redevelopment, Decision: Approved

1994/00144/OUT, Address: Dock No. 1, Barry Dock, Barry, Proposal: Comprehensive redevelopment, Decision: Approved

1994/00207/FUL, Address: Dock No. 1, Barry Dock, Barry, Proposal: Infrastructure to comprehensive redevelopment, Decision: Approved

1998/01005/FUL, Address: Railway works as part of Phase II to Barry Heritage Steam Railway, adjacent to Powell Duffryn Way, Proposal: Progression of railway line across Powell Duffryn Way - including running line and siding line, Decision: Approved

2000/00265/FUL, Address: Barry Waterfront, Proposal: Variation of Condition 3 of planning permission 94/00144/OUT to extend time period for approval of reserved matters from three years to seven years, Decision: Approved

2000/01299/REG3, Address: Hood Road goods shed and yard, The Waterfront, Barry, Proposal: Stage one extension of railway track, erect platform, temp. new road and car/coach parking forming part of Phase II of Barry Island Railway Heritage Centre/Steam Railway project, Decision: Approved

2001/01373/REG3, Address: Hood Road goods shed site, The Waterfront, Barry, Proposal: Stage two extension of railway track, erection of rail platform, extension of car/coach parking, demolition of tin shed (part of Barry Steam Railway Project), Decision: Approved

2007/00172/RG3, Address: Site W3, The Waterfront, Barry Docks, Proposal: Outline planning application for the site to be used for an education facility, Decision: Approved

2018/01358/1/CD, Address: The Goods Shed, Hood Road, Innovation Quarter, Barry, Proposal: Discharge of Conditions 6- CEMP, 10 - Contamination 1, 11 - Contamination 2 and 15 - Foul, Land and Surface Drainage. Details Of Planning Permission

2018/01358/FUL: Change of use, conversion and alterations to the Goods Sheds to provide a mixed use scheme comprising 11 live-work units (sui generis/ Class C3 use), restaurant (Class A3 use), technology hub/community workshop (Class A1, A2, B1 and/or D1 use) and flexible events space (Class A1, A2, A3 and/or D1 use), erection of entrepreneurial incubator business units not exceeding 68 units (converted shipping containers) (Class A1, A3, B1, D1 and/or D2 use), drive-thru coffee shop (Class A3), outdoor cinema (Class D2), farmers market/pop-up street food area (Class A1 and/or Class A3), children's playground (Class D2), access and servicing arrangements, car parking and associated works. at The Goods Shed, Hood Road, The Innovation Quarter, Barry, Decision: Approved

2018/01358/1/NMA, Address: The Goods Shed, The Innovation Quarter, Hood Road, Barry, Proposal: Non-material Amendment-Amend wording of Condition 5 of Planning Application 2018/01358/FUL: Change of use, conversion and alterations to the Goods

Sheds to provide a mixed use scheme comprising 11 live-work units (sui generis/ Class C3 use), restaurant (Class A3 use), technology hub/community workshop (Class A1, A2, B1 and/or D1 use) and flexible events space (Class A1, A2, A3 and/or D1 use), erection of entrepreneurial incubator business units not exceeding 68 units (converted shipping containers) (Class A1, A3, B1, D1 and/or D2 use), drive-thru coffee shop (Class A3), outdoor cinema (Class D2), farmers market/pop-up street food area (Class A1 and/or Class A3), children's playground (Class D2), access and servicing arrangements, car parking and associated works, Decision: Approved

2018/01358/2/CD, Address: The Goods Shed, Hood Road, Innovation Quarter, Barry, Proposal: Discharge of Conditions 3 - Materials Details, 7- hours of use, 14 - Means of Enclosure, 17 -window/door/glazing detail and 23 - parking. Planning Reference 2018/01358/FUL: Change of use, conversion and alterations to the Goods Sheds to provide a mixed use scheme comprising 11 live-work units (sui generis/ Class C3 use), restaurant (Class A3 use), technology hub/community workshop (Class A1, A2, B1 and/or D1 use) and flexible events space (Class A1, A2, A3 and/or D1 use), erection of entrepreneurial incubator business units not exceeding 68 units (converted shipping containers) (Class A1, A3, B1, D1 and/or D2 use), drive-thru coffee shop (Class A3), outdoor cinema (Class D2), farmers market/pop-up street food area (Class A1 and/or Class A3), children's playground (Class D2), access and servicing arrangements, car parking and associated works. at The Goods Shed, Hood Road, The Innovation Quarter, Barry, Decision: Conditions Partially Determined (Approved only)

2018/01358/3/CD, Address: The Goods Shed, Hood Road, Innovation Quarter, Barry, Proposal: Discharge of Condition 22 - Access. Planning reference 2018/01358/FUL: Change of use, conversion and alterations to the Goods Sheds to provide a mixed use scheme comprising 11 live-work units (sui generis/ Class C3 use), restaurant (Class A3 use), technology hub/community workshop (Class A1, A2, B1 and/or D1 use) and flexible events space (Class A1, A2, A3 and/or D1 use), erection of entrepreneurial incubator business units not exceeding 68 units (converted shipping containers) (Class A1, A3, B1, D1 and/or D2 use), drive-thru coffee shop (Class A3), outdoor cinema (Class D2), farmers market/pop-up street food area (Class A1 and/or Class A3), children's playground (Class D2), access and servicing arrangements, car parking and associated works, Decision: Approved

2018/01358/4/CD, Address: The Goods Shed, Hood Road Innovation Quarter, Barry, Proposal: Discharge of Condition 8-Fume Extraction 1 Planning Application 2018/01358/FUL: Change of use, conversion and alterations to the Goods Sheds to provide a mixed use scheme comprising 11 live-work units (sui generis/ Class C3 use), restaurant (Class A3 use), technology hub/community workshop (Class A1, A2, B1 and/or D1 use) and flexible events space (Class A1, A2, A3 and/or D1 use), erection of entrepreneurial incubator business units not exceeding 68 units (converted shipping containers) (Class A1, A3, B1, D1 and/or D2 use), drive-thru coffee shop (Class A3), outdoor cinema (Class D2), farmers market/pop-up street food area (Class A1 and/or Class A3), children's playground (Class D2), access and servicing arrangements, car parking and associated works. at The Goods Shed, Hood Road, The Innovation Quarter, Barry, Decision: Approved

2018/01358/5/CD, Address: The Goods Shed Innovation Quarter, Hood Road, Barry, Proposal: Change of use, conversion and alterations to the Goods Sheds to provide a mixed use scheme comprising 11 live-work units (sui generis/ Class C3 use), restaurant (Class A3 use), technology hub/community workshop (Class A1, A2, B1 and/or D1 use)

and flexible events space (Class A1, A2, A3 and/or D1 use), erection of entrepreneurial incubator business units not exceeding 68 units (converted shipping containers) (Class A1, A3, B1, D1 and/or D2 use), drive-thru coffee shop (Class A3), outdoor cinema (Class D2), farmers market/pop-up street food area (Class A1 and/or Class A3), children's playground (Class D2), access and servicing arrangements, car parking and associated works. at The Goods Shed, Hood Road, The Innovation Quarter, Barry, Decision: Approved

2018/01358/6/CD, Address: Good Sheds, Hood Road, Barry , Proposal: Discharge of conditions 8, 18,19,20 & 28 of Planning Permission 2018/01358/FU:L-Change of use, conversion and alterations to the Goods Sheds to provide a mixed use scheme comprising 11 live-work units (sui generis/ Class C3 use), restaurant (Class A3 use), technology hub/community workshop (Class A1, A2, B1 and/or D1 use) and flexible events space (Class A1, A2, A3 and/or D1 use), erection of entrepreneurial incubator business units not exceeding 68 units (converted shipping containers) (Class A1, A3, B1, D1 and/or D2 use), drive-thru coffee shop (Class A3), outdoor cinema (Class D2), farmers market/pop-up street food area (Class A1 and/or Class A3), children's playground (Class D2), access and servicing arrangements, car parking and associated works. at The Goods Shed, Hood Road, The Innovation Quarter, Barry, Decision: Approved

2018/01358/7/CD, Address: The Goods Shed, Hood Road, Barry, Proposal: Change of use, conversion and alterations to the Goods Sheds to provide a mixed use scheme comprising 11 live-work units (sui generis/ Class C3 use), restaurant (Class A3 use), technology hub/community workshop (Class A1, A2, B1 and/or D1 use) and flexible events space (Class A1, A2, A3 and/or D1 use), erection of entrepreneurial incubator business units not exceeding 68 units (converted shipping containers) (Class A1, A3, B1, D1 and/or D2 use), drive-thru coffee shop (Class A3), outdoor cinema (Class D2), farmers market/pop-up street food area (Class A1 and/or Class A3), children's playground (Class D2), access and servicing arrangements, car parking and associated works. at The Goods Shed, Hood Road, The Innovation Quarter, Barry, Decision: not yet determined

2018/01358/FUL, Address: The Goods Shed, Hood Road, The Innovation Quarter, Barry, Proposal: Change of use, conversion and alterations to the Goods Sheds to provide a mixed use scheme comprising 11 live-work units (sui generis/ Class C3 use), restaurant (Class A3 use), technology hub/community workshop (Class A1, A2, B1 and/or D1 use) and flexible events space (Class A1, A2, A3 and/or D1 use), erection of entrepreneurial incubator business units not exceeding 68 units (converted shipping containers) (Class A1, A3, B1, D1 and/or D2 use), drive-thru coffee shop (Class A3), outdoor cinema (Class D2), farmers market/pop-up street food area (Class A1 and/or Class A3), children's playground (Class D2), access and servicing arrangements, car parking and associated works., Decision: Approved

2018/01359/1/CD, Address: Land east of the Goodsheds, Hood Road, Innovation Quarter, Barry, Proposal: Discharge of conditions 3, 6, 7, 8 and 12 - Condition 3 - Existing and proposed ground levels, Condition 6 - CEMP, Condition 7 - contamination report, Condition 8 - Remediation scheme and Condition 12 - Drainage, Planning Permission 18/01359/FUL: Erection of a five storey residential block to comprise 23 affordable and 19 market units with undercroft car parking and associated works, Decision: Approved

2018/01359/2/CD, Address: Land East of the Goodsheds, Hood Road, Innovation Quarter, Barry, Proposal: Discharge of Condition 5 - Materials/samples. Planning Permission ref. 2018/01359/FUL : Erection of a five storey residential block to comprise 23 affordable and 19 market units with undercroft car parking and associated works, Decision: Approved

2018/01359/3/CD, Address: Land East of the Goodsheds, Innovation Quarter, Hood Road, Barry, Proposal: Discharge of Conditions 4 - Scheme for affordable housing and 18 - Travel plan. Planning permission ref. 2018/01359/FUL: Erection of a five storey residential block to comprise 23 affordable and 19 market units with undercroft car parking and associated works, Decision: Approved

2018/01359/4/CD, Address: Land east of the Goods Shed, Hood Road, The Innovation Quarter, Barry, Proposal: Discharge of Condition 17-TRO of Planning Application 2018/01359/FUL: Erection of a five storey residential block to comprise 23 affordable and 19 market units with undercroft car parking and associated works, Decision: not yet determined

2018/01359/5/CD, Address: Land East of the Goods Shed, Hood Road, Barry, Proposal: Discharge Conditions 11,14,15,16 of Planning Permission 2018/01359/FUL-Erection of a five storey residential block to comprise 23 affordable and 19 market units with undercroft car parking and associated works, Decision: Approved

2018/01359/FUL, Address: Land East of the Goodsheds, Hood Road, The Innovation Quarter, Barry, Proposal: Erection of a five storey residential block to comprise 23 affordable and 19 market units with undercroft car parking and associated works, Decision: Approved,

2020/00392/1/CD, Address: Railway carriages laying to the South of Hood Road, Barry, Proposal: Siting and conversion of railway carriages for mixed use (A1, A3, D1 and D2), and associated works at Railway carriages laying to the South of Hood Road, Barry, Decision: Approved

2020/00392/FUL, Address: Railway carriages laying to the South of Hood Road, Barry, Proposal: Siting and conversion of railway carriages for mixed use (A3, B1a, D1 and D2), and associated works, Decision: Approved.

CONSULTATIONS

Barry Town Council objected, in summary, because of noise and disturbance, lack of off-street parking and loading bays, lack of landscaping scheme, overdevelopment, and poor design.

Highway Development – did not object in relation to vehicular parking provision but consider a loading bay for the proposed and the existing businesses should be provided on Hood Road, via a Traffic Regulation Order. It was also stated that the issues of sustainable transport facilities (Covered Cycle/ E Bikes areas, EV charging for vehicles (for businesses, residents, and visitors) and a signage strategy have not been addressed.

Council's Drainage Section – no response received to date.

Tourism and Marketing – no response received to date.

Shared Regulatory Services (Pollution) – no response received to date.

Cllr I Johnson queried the nature of the impact on residents from the relocation of the gym and any impact on Cabinet's decision to dispose of the railway to TfW.

Other Baruc and Buttrills Ward Members – no response received to date.

Dwr Cymru / Welsh Water stated no problems are envisaged for the treatment of domestic foul discharges, capacity exists to accommodate foul only flows and a water supply can be made available. It was advised that the site is crossed by both a 200mm live and an abandoned water main and recommended that it either be diverted or a protection zone provided for 4m to either side of its centreline. Advice was also provided in relation to surface water (SAB) regulations, new sewer connections and asset protection.

Network Rail stated no objection in principle. It was advised that engagement would be required in relation to asset protection, consideration given to the amenity of the occupiers in relation to rail noise, lighting must not interfere with signalling apparatus and advised that applications that are likely to generate an increase in trips under railway bridges may be of concern.

Council's Estates Section – no response received to date.

Housing Strategy (Affordable Housing) provided comments relating to the (now omitted) residential proposal and the local housing need.

Council's Transport and Road Safety – no response received to date.

South Wales Police – no response received to date.

Council's Education Section – no response received to date.

Cardiff and Vale University Health Board provided comments relating to the (now omitted) residential proposal, which related to the demand and absorption capacity of healthcare provision and services in the local area.

REPRESENTATIONS

The neighbouring properties were consulted on 19 August 2021 & 13 April 2022.

A site notice was also displayed on 21 September 2021.

The application was also advertised in the press on 1 October 2021.

One representation was received from West Quay Medical Centre which stated, in summary, that whilst the ethos of providing affordable quality homes was supported the development pressure may negatively impact on healthcare services and resources.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Vale of

Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

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

Managing Growth Policies:

POLICY MG29 – Tourism and Leisure Facilities

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 MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD13 - Tourism and Leisure
POLICY MD14 - New Employment Proposals

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

Future Wales: The National Plan 2040:

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

Planning Policy Wales:

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

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

Technical Advice Notes:

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

- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 15 – Development and Flood Risk (2004)

- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Biodiversity and Development (2018)
- Parking Standards (2019)
- Tourism and Leisure Development (2019)

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 application proposes a mix of employment and tourism uses within containers and carriages, and these are intended to complement the range of uses approved within the

wider Goodsheds site. This is an established mixed commercial/ residential area, and it is considered that the uses are complementary to the character of the site and wider area. The provision of new employment and tourism development is also acceptable in principle in this urban 'in-settlement' location, with reference to the criteria of LDP policies MD13 (Tourism and Leisure) and MD14 (New Employment Proposals). The proposed development is, therefore, considered acceptable in principle.

Visual impact

The containers and railway carriages would be visible from the surrounding public highway network; however, they are well designed and modest in the context of the surrounding buildings and would not be prominent or visually obtrusive. Notwithstanding that, they are structures that would complement the overall character context the site and the overall Goodsheds development.

Consequently, it is considered that the development would appear as an interesting feature (within this wider commercial development) and, having regard to Section 66(1) of the Planning (Listed buildings and Conservation Areas) Act 1990, would preserve the setting of the nearby listed Pumphouse.

Parking and highways issues

The proposed development would not be served by any specifically set aside off-street parking and users would be reliant on the parking already provided at the site, on-street parking, local car parks or sustainable public transport options. The site is in an extremely sustainable location, and it is very close to regular bus and train links.

The Parking Standards SPG would result in a **maximum** of 28 spaces, equating to 1.no space per unit and 4.no visitor spaces. A parking survey provided in support of this application identified that, even at its peak, there were 17 spaces vacant between the provision at the Goodsheds and Junction House. It is also important to note that these standards within the SPG are maximum standards and, in a sustainable location such as this, lower parking levels are often appropriate to discourage car use and promote a shift to more sustainable means of travel.

The development would increase the overall parking demand arising from land as a whole, but in the context of the wider site, as well as the level of existing parking provided for it (including, currently, at BSC2), it is considered that there would not be a significant or unacceptable impact on parking demand or traffic. It should also be noted that Hood Road has also already been subject of a Traffic Regulation Order (TRO) to prohibit on-street parking in locations that would be dangerous and/or impede the flow of traffic. Moreover, the Highways Engineer did not object in relation to parking provision.

There is, however, no current provision for a loading bay on-street or within the Goodsheds site and, given the intensification of development, it is considered necessary for a new bay to be provided on Hood Road. The exact location of the bay would need to be subject of further approval by the Highway Authority via a new TRO, but its provision prior to first occupation can be secured by condition (see condition 3).

The development should provide for two cycle stands and this can be secured by condition (see condition 4). The development does not meet the size threshold for provision of new electric vehicle charging points as specified in the Parking Standards SPG. A highway

signage scheme for this development (i.e., distinct from the existing Goodsheds development) is also not considered necessary.

Having regard to the above, the development is considered acceptable in terms of parking and highway safety.

Residential amenity

The buildings are small enough and far enough away from the neighbouring residents to ensure that there would be no overbearing or privacy impacts and consequently, the principal issues to consider are noise and disturbance. The proposed employment (being complementary, within Class B1) and tourist uses are not inherently noisy and would not result in any material increase in noise and disturbance to occupiers of the residential units on the site.

The proposed uses are considered compatible in principle with the surrounding area (which is itself a mix of commercial and residential), are considered acceptable and accord with Policies MD2 (Design of New Development) and MD7 (Environmental Protection) of the LDP.

Drainage

Dwr Cymru / Welsh Water advised that a 4m zone either side of their water main be kept free of development, or a diversion be agreed. The operational main is located on Hood Road and, with the omission of the proposed apartment block, the remainder of the development by nature and/or distance from the main is unlikely to cause any significant impacts in relation to asset management.

Part of the site (at the eastern end) is located within Flood Zone B, which suggests that there is some evidence of past flooding in sedimentary deposits, however, TAN 15 does not advise against new development in Zone B. This site has previously been considered acceptable for mixed commercial and residential development of a similar nature.

The proposed drainage scheme would discharge foul to the main sewer and comprise green roofs and SuDS planters (dissipating to the ground) to deal with surface water. No response has been received from the Council's Drainage team; however, the proposed arrangement is considered acceptable in principle, noting separate SAB approval would be required for the surface water scheme.

Other matters

There are no adverse implications relating to the recent Cabinet decision to dispose of the railway land to TfW. The proposed TfW land transaction would see the freehold of the land, on which all the tourist and employment accommodation is sited, being transferred to TfW but the sale contract would include a provision that the land is then transferred back to the Council once the existing Headlease to Cambrian Transport is surrendered. This would result in the Council ending up owning the freehold of the strip of land on which the all the tourist accommodation and part of the proposed employment would be located. The other employment containers would be located on the original Goods Sheds site area, which is not part of the sale of land to TfW.

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:

N280 - A020 A – Site Location Plan
N280 - A023 – Ground floor plan – Office Containers
N280 - A024 – Roof Floor Plan – Office Containers
N280 - A025 – Container Elevations
N280 - A026 – Toad Carriages – Site Layout
N280 - A027 – Toad Carriages - Elevations
21.4832 05 A - Drainage Construction Details
21.4832 07 - Green and Blue Roof details
21.4832 02 A - Office Pods Drainage Layout
21.4832 06 A - Raingarden and Planter Details
21.4832 03 - Toad Carriages Drainage Layout

N280 A022 Rev B - Proposed Site Layout received 18 May 2022

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. Further details for the provision of a loading bay on Hood Road shall be submitted to and approved by the Local Planning Authority. The development shall not be put into beneficial use until the loading bay has been implemented in accordance with the approved details.

Reason:

In the interests of highway safety and to ensure compliance with policies MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries) of the LDP.

4. Notwithstanding the submitted plans, further details of cycle storage provision shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be put into beneficial use until the cycle storage has been implemented in accordance with the approved details and it shall thereafter remain available for its designated use so long as the development exists.

Reason:

To ensure the provision on site of cycle parking facilities in the interests of sustainability and highway safety, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

5. The holiday lets shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason:

To enable the Local Planning Authority to maintain control over the nature of the use of this site, in the interest of amenity and local infrastructure and to comply with the terms of Policies MD2 (Design of New Developments), MD4 (Community Infrastructure and Planning Obligations) and MD13 (Tourism and Leisure) of the Local Development Plan.

6. The approved containers shall only be used for Class B1 (Business) as defined by the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments), MD5 (Development Within Settlement Boundaries) and MD7 (Environmental Protection) of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), SP11 (Tourism and Leisure), MG29 (Tourism and Leisure Facilities), MD1 (Location of New Development), MD2 (Design of New Development), MD5 – Development within Settlement Boundaries, MD7 (Environmental Protection), MD8 (Historic Environment), MD9 (Promoting Biodiversity), MD13 (Tourism and Leisure), and MD14 (New Employment Proposals), Planning Policy Wales (11th Ed), Future Wales, TAN11, TAN12, TAN13, TAN15, TAN18, TAN23 and TAN24, as well as the Biodiversity and

Development, Parking Standards, Tourism and Leisure Development SPG's, it is considered that the proposals are favoured in principle and would have no unacceptable impact on visual amenity, neighbouring amenity, highway safety, biodiversity, heritage, flood risk, drainage and would preserve the setting of the nearby listed Pumphouse.

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 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 DCWW 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 DCWW in dealing with the proposal the applicant may contact DCWW on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times.

This is based on the information provided by your application. Should the proposal alter DCWW kindly request that they are re-consulted and reserve the right to make new representation. If you have any queries please contact DCWW on 0800 917 2652 or email at developer.services@dwrcymru.com

- 2. 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

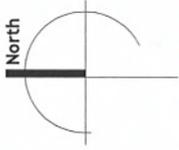
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute

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.

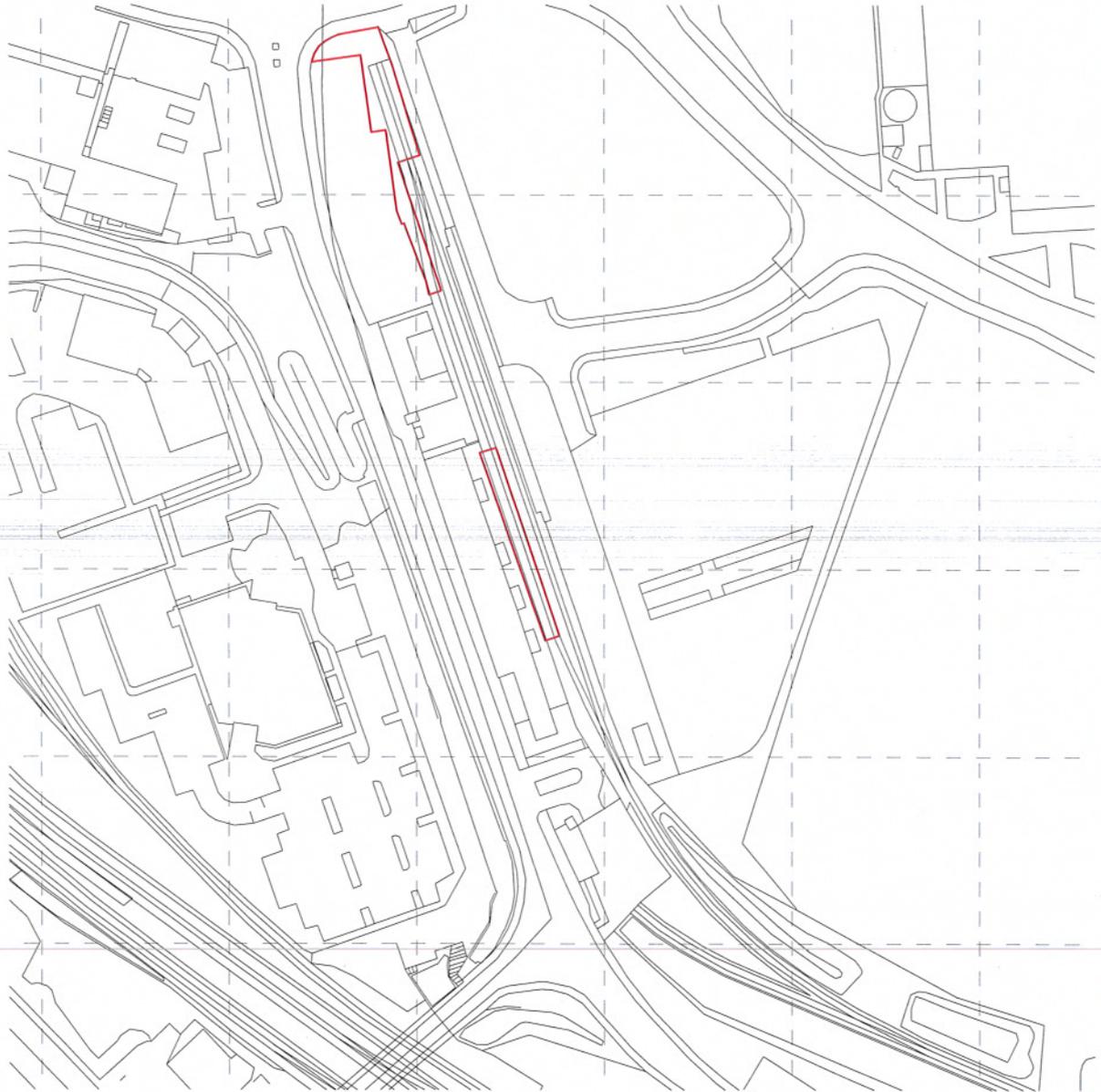


Notes
This drawing has been prepared in accordance with the current planning regulations and is intended to provide a visual representation of the proposed development. It is not intended to be used as a construction document. The client is responsible for ensuring that the proposed development complies with all relevant planning and building regulations. The client is also responsible for obtaining all necessary planning and building regulations approvals. The client is also responsible for ensuring that the proposed development is in accordance with all relevant planning and building regulations. The client is also responsible for ensuring that the proposed development is in accordance with all relevant planning and building regulations.

**CHAMBERLAIN
MOSS
KING**
ARCHITECTURE
87A Gable Street | Perth
City of Gloucestershire | G14 7EE
T: 01293 306400
chamberlainking.co.uk

Project	GOODSHEDS, PHASE 2
Project number	N258
Client	DS PROPERTIES LTD
Title	SITE LOCATION PLAN
Drawing number	A/20
Scale	1:1250 at A3
Revision	A
Status	PLANNING
Drawn	PC
Date	11.10.21

2021/01123/FUL



01 SITE LOCATION PLAN
1:1250



2021/01242/FUL Received on 23 August 2021

APPLICANT: Mr Paul Booth, Littlemoor Farm, Squire Street, Llysworney, CF71 7NQ
AGENT: Mr Alex Veitch, Bourne House, Cores End Road, Bourne End, SL8 5AR

Land adjacent Littlemoor Farm, Squire Street, Llysworney

Erection of a detached dwelling; detached garage with first floor accommodation; landscaping; and associated works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because it has been called in by Cllr C. Cave because of local interest.

EXECUTIVE SUMMARY

This proposal is to erect a new detached dwelling and garage at Littlemoor Farm, Llysworney. The site is located at the north-western edge of the village, off Squire Street and is part of the Llysworney Conservation Area. It is also within the Upper and Lower Thaw Valley Special Landscape Area.

There were representations made by four members of the public, and all objected or raised concerns with the proposals. The principal concerns related to visual amenity, the character of the Llysworney Conservation Area and wider countryside, ecology, access and highway safety, and neighbouring amenity.

The report outlines that Policy MD8 the Local Development Plan seeks to protect the character of conservation areas, Policies MD2 and MD5 promote a high standard of design and state new development must relate well to its surroundings, and Policy MD9 requires the conservation or enhancement of biodiversity interests. It concludes that the proposed dwelling and garage would harm the character, appearance, and verdant setting of the Llysworney Conservation Area, as well as causing unnecessary and unacceptable tree loss that would harm biodiversity, habitat value, and loss of any other climate benefits.

It is recommended that the planning application be REFUSED.

SITE AND CONTEXT

The site is located off Squire Street, Llysworney. It is an open grassed area associated with Littlemoor Farm which contains several trees and is bounded by a mature hedgerow. Squire Street encircles the site boundary and, although adopted, has an informal appearance and becomes a narrow grass track where it meets with and encircles the site. The main vehicular access to the site is from the Moor Farm end, though both sides are open. The application site is at higher ground level than Littlemoor Farm, reflecting the local landform.

The site is located within the settlement boundary of the village and is inside the Conservation Area. The farmhouse and former agricultural buildings of Littlemoor Farm are identified as 'positive buildings' within the Llysworney Conservation Area Appraisal and

Management Plan (CAAMP) and views across the site are also of identified significance. It is also located within the Upper and Lower Thaw Valley Special Landscape Area.

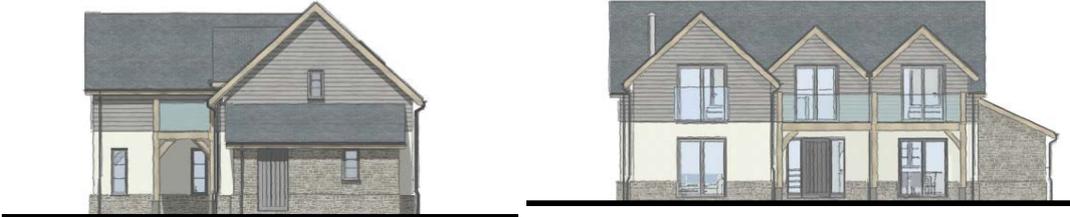
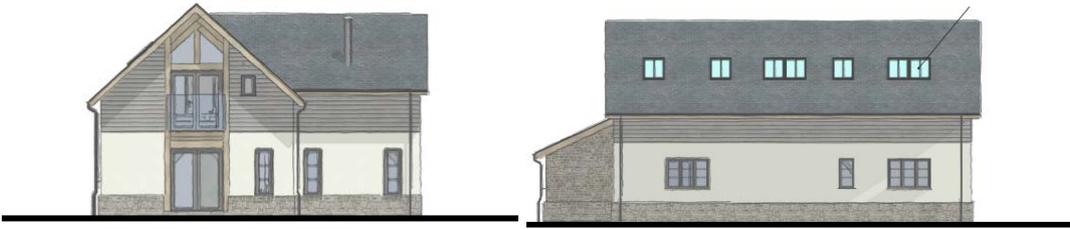
The location of the site is shown in the plan extract below:



DESCRIPTION OF DEVELOPMENT

The proposal is for the erection of one dwelling and a garage on the site. It would be a four bedroomed property with a pitched roof. It would have an eaves height of approx. 3.75m and ridge height of 7.24m. It would be finished in a mixture of natural slate, stone, render and timber weatherboard. It would also have aluminium fenestration and conservation style roof lights.

The proposed dwelling is illustrated in the below extracts:



It is proposed to reduce the ground level at the application site by approx. 600mm to accommodate the proposed dwelling, garage, and apron. The visual relationship with the adjacent dwelling is illustrated in the site section drawing below.



The garage would be an approx. 5.5m tall three-bay detached building with ancillary roof accommodation comprising a kitchenette, bedroom, and en-suite.

The proposed garage elevations are shown below:



The proposed site layout is illustrated below:



Vehicular access is proposed off Squire Street at the southern end of the site where there is an existing field gate. Parking would be accommodated in the garage with a turning area in front.

PLANNING HISTORY

1989/00268/OUT, Address: Land opposite Shire Hall, Squire Street, Llysworney, Proposal: One detached bungalow, Decision: Refused

2007/01102/LAW, Address: Little Moor Farm, Llysworney, Cowbridge, Proposal: Infilling of veranda area of property, Decision: Approved

2018/01152/TCA, Address: Littlemoor Farm, Squire Street, Llysworney, Proposal: Work to a tree within the Llysworney Conservation Area - Remove lower limb of Willow, Decision: Approved

CONSULTATIONS

Llandow Community Council – no response received to date.

VoGC Highway Development – stated that there appeared to be sufficient parking spaces and turning area, however the existing access had insufficient vision splays and that the access should be provided at a right angle and splays provided for, based on 20mph speeds. In addition, it was stated any gates should be inward opening and the surface be of a bound material.

VoGC Drainage Section – no response received to date.

Shared Regulatory Services (Environment) - recommended planning conditions relating to unforeseen contamination, imported aggregate and provided advisory notes relating to contamination and unstable land.

VoGC Conservation Officer – objected because the proposed development will not preserve, or enhance the character or appearance of the conservation area, resulting in the loss of a 'significant view' (as identified within the Llysworney Conservation Area Appraisal and Management Plan) across the site. It was also noted that, whilst trees have now reduced these views to an extent, the trees are entirely consistent with the rural character of the area.

Dwr Cymru/ Welsh Water - confirmed capacity exists within the public sewerage network to receive the domestic foul only flows from the proposed development site. In addition, advisory notes were provided in relation to surface water discharge and new drainage connections.

Councillor C. Cave – called the application to Planning Committee due to local interest but made no comment in respect of the merits of the scheme.

VoGC Ecology Officer – objected because the layout is so detrimental to the existing mature trees on site and the ecological services they provide (and requested an explanation of the choice of layout, especially given the overall size of the plot). A further flight survey for bats was also considered necessary. It was also advised that a temporary newt/reptile fence should be erected ahead of and maintained for the duration of construction, if approved.

REPRESENTATIONS

The neighbouring properties were consulted on 9 September 2021.

A site notice was also displayed on 23 September 2021.

4 no. representations have been received and all raised objection and/ or concerns regarding aspects of the proposed development.

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

- Noise and disruption from construction activities
- Narrow lane unsuitable for additional traffic
- Traffic congestion
- Large garage
- Inappropriate materials
- Negative impacts to Llysworney Conservation Area
- Negative impact to Special Landscape Area
- Erosion of significant public views
- Loss of private views
- Site unsuitable for two storey buildings
- Loss of privacy/ overlooking
- Concerns regarding use of garage as separate/ holiday accommodation
- Potential ecological impacts
- Impacts relating to flooding and drainage
- The existing vehicular access to Littlemoor farm via Squire Street should be blocked up
- Concern regarding potential further developments in future
- Detriment to visual amenity

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG4 – Affordable Housing

POLICY MG17 – Special Landscape Areas

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

Managing Development Policies:

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

Policy 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

Policy 9 – Resilient Ecological Networks and Green Infrastructure

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

Planning Policy Wales:

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

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

The following chapters and sections are of 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

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)

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)

The document also contains the following advice in relation to planning and conservation areas:

6.1.9 “Any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place.”

6.1.14 “There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised. Planning authorities should establish their own criteria against which existing and/or new conservation areas and their boundaries should be reviewed. The preparation of conservation area appraisals and management plans can assist planning authorities in the exercise of their development management functions.”

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

6.2.1 “Green infrastructure is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. Component elements of green infrastructure can function at different scales... At smaller scales, individual urban interventions such as street trees, hedgerows, roadside verges, and green roofs/walls can all contribute to green infrastructure networks.”

6.4.24 *“Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling the climate emergency by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.”*

6.4.25 *“Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.”*

Technical Advice Notes:

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 12 – Design (2016)

In relation to design, TAN12 states:

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).”*

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.”*

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

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Affordable Housing (2022)
- Biodiversity and Development (2018)
- Conservation Areas in the Rural Vale
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)
- Trees, Woodlands, Hedgerows and Development (2018)
- Llysworney Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 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 Llysworney as identified within the Local Development Plan (LDP). Policy MD5 (Development within Settlement Boundaries) of the LDP permits new residential development in this location, subject to several criteria. These and the other relevant plan policies and principal considerations are discussed in turn, below: -

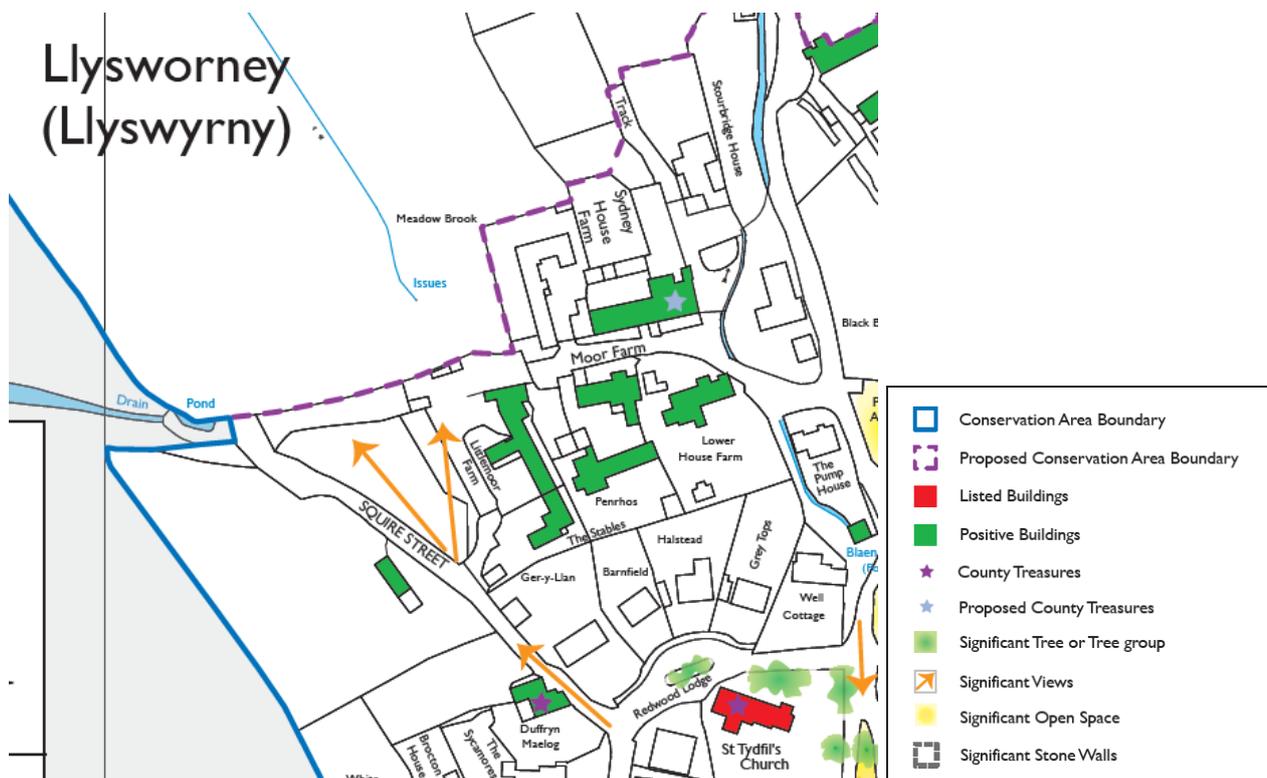
Design, Character and the Llysworney Conservation Area

Policy MD8 (Historic Environment) states that proposals within conservation areas must preserve or enhance the character and appearance of the area. Policy MD2 (Design of New Development) and MD5 also promote a high standard of design and state new development must relate well to its surroundings.

The immediate area is tranquil in character, becoming gradually more urbanised moving away from the site and towards the centre of the village. The site and its surrounds have a distinct rural character with the part of Squire Street encircling the site being un-engineered highway, having instead the appearance of a rural track. The road is typically flanked by green verges, hedgerows, and stone walls.

The views across the site from Squire Street have been identified as significant views within the Conservation Area Appraisal and Management Plan. These views extend across the site which, despite being in residential use, is free of any significant development. There is a single storey stone barn to the west of the site, but it complements the rural character of the immediate vicinity, and this part of the village remains very open. Littlemoor Farm and its associated buildings, now converted to residential use, have been subject to some alteration and additions, but are predominantly single storey and are clearly read as being part of a former agricultural complex.

The plan extract of the site location within the CAAMP is shown below:



A Heritage Impact Assessment has been submitted in support of the application. The assessment concludes that the *‘existing character of the built environment is overwhelmingly derived from relatively small-scale buildings that are either stone or rendered’*. The report also states in conclusion:

“This report also demonstrates that the significant views into the site as identified in the Conservation Area Appraisal have been taken into account in the amended designs. Additionally, this assessment has considered the view south towards the village as seen from the lane north-west. The iterative design process has resulted in a design of reduced scale and altered alignment that has the potential to fit more sympathetically into the village and the conservation area.”

The proposals for a detached dwelling and garage are depicted in the below contextual plans provided by the applicant:



The proposed dwelling and apron have been set down by approx. 600mm from the existing level, such that it cuts into the site and would sit at a slightly lower level to Littlemoor Farm and its associated buildings. The details demonstrate that the comparative height of the proposed dwelling would be similar to the tallest of the nearby buildings. Nevertheless, the dwelling would be larger and bulkier than these buildings at first floor, creating a significantly urban presence in a currently open area that would in turn, disrupt the significant view identified in the CAAMP. Whilst there would be an appreciable impact to this view for much of the southern approach on Squire Street, the impact would be most pronounced at the site access.

The current view at site access is shown below:



Firstly, the proposed garage is a large building and would sit forward and be very prominent from this viewpoint. It is noted that the distant views are partially blocked by trees, likely more so than when the CAAMP assessment was originally made. However, on the whole trees are pleasant, organic features that add to the overall rural character of the area and most of these trees are no exception. The loss of so much tree cover would be harmful to the pleasing verdancy of the area, and even more so when replaced with an urban feature in a very sensitive part of the conservation area.

Although the dwelling would sit at the rear of the site (from this viewpoint), it is nevertheless a large building that would disrupt the significant view identified by the CAAMP. These significant views reinforce the agrarian origins of the village and assist in appreciating the village's rural context. They contribute significantly to its character and appearance. The proposed development will result in the substantial loss of these views through the introduction of a new dwelling. The main annexe of the dwelling is orientated with the gable end facing southwards, mitigating some of the impact from this direction, however it also has a significant rear projection that would be very prominent and adds significantly to the bulk of the roof. It is considered that both the dwelling and garage would disrupt the significant view and so cause harm to the character and appearance of the conservation area.

As previously discussed, even with the reduction in ground levels the proposed dwelling would have a similar height to the tallest of the surrounding buildings. That said, the surrounding development is on an almost wholly single storey scale. The barn to the west, although renovated, is a traditional stone barn and the majority of Littlemoor Farm consists of single storey former barns. They are also historic buildings which add to the character of the conservation area and are noted as positive buildings in the CAAMP assessment. The sole exception is a small and relatively unobtrusive two-storey section on Littlemoor Farm. The scale and density of built development in Llysworney reduces toward the edge of the village as there is a transition to the open countryside beyond. The agrarian origins of the site, and linear simplicity of the converted barns nearby, can still be clearly read within the layout and architecture.

The proposed development of a substantial two-storey dwelling, and large garage are of a contrasting scale and go against the grain of the local vernacular. Although the dwelling would have an appreciable separation distance from Littlemoor Farm, with such a significant contrast in size and scale in what are, characteristically, rural surrounds, it is considered that it would detract from the positive contribution of this building to the conservation area. Moreover, the development would expand the urban form of the settlement in an open and relatively undeveloped part of the village to the detriment of its character.

In relation to the detailed design, some more traditional features have been incorporated into a modern design and the general approach to finishes and materials is inherently out of step with the conservation area. However, the scale of development put forward would cause clear and unacceptable harm to the character and appearance of the conservation area, for the reasons outlined above.

Having regard to the Council's duties under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the development would harm the character and appearance of the Llysworney Conservation Area. It is therefore contrary to Policies SP1 - Delivering the Strategy, criterion 1 of SP10 - Built and Natural Environment, criteria 1 and 2 of MD2 - Design of New Development, criteria 3 and 4 MD5 - Development within Settlement Boundaries and criterion 1 of MD8 - Historic Environment of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; as well as the advice and guidance contained in Planning Policy Wales (11th ed.) and TAN12 - Design.

It is noted that the scheme has been amended following pre-application discussions from a two-dwelling scheme to a single dwelling scheme of reduced size. The above assessment, for avoidance of any doubt, is based on the scheme presented and on its own merits. Nonetheless, it is considered concerns raised at pre-application stage have not been fully addressed and the proposal is unacceptable for the reasons outlined above.

Trees

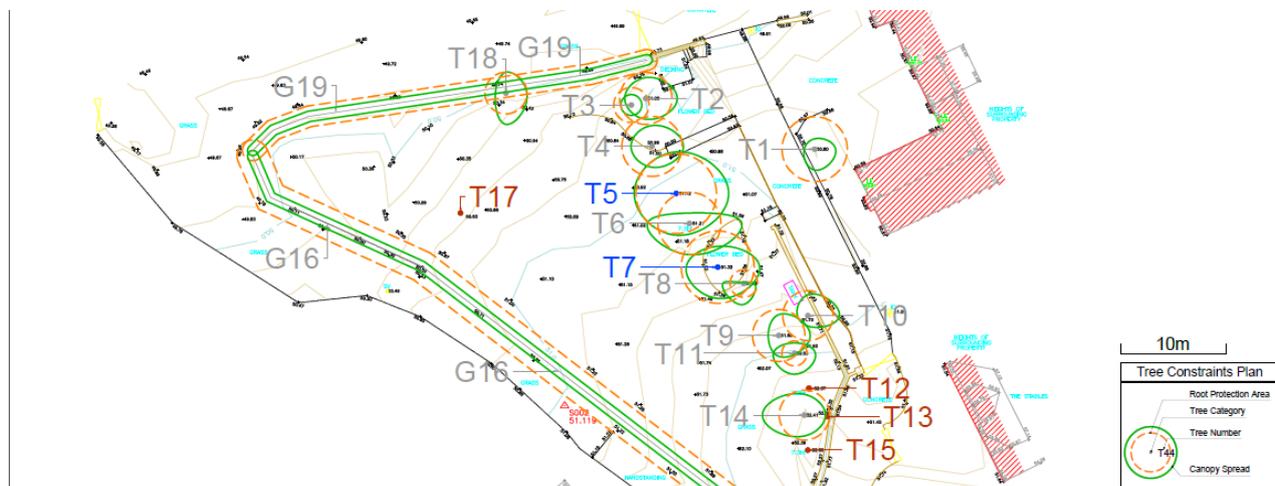
There are several trees on this site, with 18 no individual trees identified within the submitted tree survey. The report has also classified the trees according to common practice (BS 5837:2012) based on their arboricultural (inc. condition), landscape and cultural value. The submitted report has been reviewed and its arboricultural conclusions are considered sound. The trees are not subject of a Tree Preservation Order but are located within the Llysworney Conservation Area and as such consent would be required for their removal.

Ten of the trees would be lost to the development:

3. no Oak
2. no Birch
1. no Holly
4. no fruit trees

The fruit trees and holly are smaller species that do not contribute significantly to local amenity and their loss could be compensated for within landscaping proposals. The remaining trees to be lost have been classified as:

- 2. no Oak – Category B (T5, T7)
- 1. no Oak – Category C (T6)
- 2. no Birch – Category C (T4, T11)



The retention and protection of trees is promoted in policy for their benefits to biodiversity, habitat value, landscape, amenity, and to mitigate climate change (PPW para. 6.4.24 & 6.4.25). Paragraph 6.2.24 explicitly states that the role, siting, and design requirements of urban trees should be promoted within decision making. This is further emphasised in paragraph 6.2.25 which states that planning authorities should protect trees and group of trees, *‘where they... contribute to the character or amenity of a particular locality.’* The Council’s Trees, Woodlands, Hedgerows and Development SPG also states, at paragraph 7.3.4 that trees categorised as ‘A’ (high quality and value) or ‘B’ (moderate quality and value) should be retained on site and the development design adapted to protect them from unacceptable harm. Policy MD9 (Promoting Biodiversity) of the LDP also states that new development proposals will be required to conserve and where appropriate enhance biodiversity interests.

The proposals would result in the loss of several trees of varying size and arboricultural quality, as outlined above. It is accepted the trees are young to middle aged, but amongst the group are nonetheless trees of considerable size and together they make a significant positive contribution to local amenity, as well as adding to the verdant rural character of the conservation area. The trees have also been surveyed and do not support potential roosting features for bats.

It is noted that the choice to propose development on the eastern part of the site is an attempt to mitigate the harm to the Llysworney Conservation Area and the significant views identified within the CAAMP. While development within the north-eastern corner of the site would be the least disruptive in terms of these views, these proposals lay to waste most of the existing tree cover. The design chooses to site an approx. 15.5m long dwelling and to include a garage in a manner that would result in extensive tree loss across the site. This is both unnecessary and unacceptable, and would cause loss of biodiversity and habitat value, climate benefit, as well as detriment to local amenity and the verdant setting of the Llysworney Conservation Area. It is noted that opportunity would exist for replacement planting. However, such compensatory planting can be subject to failure and in any event would likely take many years to mature. Furthermore, with the development of a new dwelling, any replacement planting would likely come under greater pressure

from the intensified amenity use of the site (e.g. shading, views, practical and safety concerns) than is presently the case. It is also not considered acceptable justification for the extent of the immediate tree loss on the scale proposed here.

Having regard to the above, the development is considered contrary to Policies SP1 - Delivering the Strategy, criterion 1 of SP10 - Built and Natural Environment, criteria 10 of MD2 - Design of New Development, criteria 3 and 4 MD5 - Development within Settlement Boundaries and criterion 1 of MD9 – Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; as well as the advice and guidance contained in Planning Policy Wales (11th ed.) and TAN12 - Design.

Landscape impact

Policy MG17 (Special Landscape Areas) of the LDP permits development where it would cause no unacceptable harm to the important landscape character of the area. Notwithstanding the harm and important issues identified above, it is considered that these localised impacts would not cause an unacceptable landscape impact or harm the important landscape character of the wider SLA.

Housing Density

Policy MD6 – Housing Densities states that residential development should have a minimum density of 25 dwellings per hectare in minor rural settlements. The proposal for one dwelling falls short of this threshold, but considering the site constraints, the proposal for a single dwelling would not be considered contrary to the aims of this policy.

Amenity Space

It is stated within Residential and Householder SPG that 20sq.m shared amenity space should be provided per person, equating to at least 60-80sq.m for a dwelling of this size. The amount of space available, as well as the retained space for the existing dwelling, would exceed this standard.

Neighbouring Amenity

The principal impacts to consider are those to the occupiers of the neighbouring property 'The Stables' given its proximity to the application site and to the occupiers/ future occupiers of Littlemoor Farm. There has been also concern raised regarding potential loss of privacy at 'Meadow Brook' but, while some indirect and distant views may be possible, there would be no significant detrimental impact to their privacy at the proposed 30m-plus distance.

The dwelling and garage would have a close physical relationship with Littlemoor Farm, being located adjacent to the proposed boundary with the existing dwelling. The application site is also at a raised ground level to Littlemoor, although plans indicate proposed levels would be set approx. 600mm below the existing. The immediate curtilage land at Littlemoor is a hardstanding (part of the driveway) and whilst there would be some shading impact to the immediate area, there would be no significant neighbouring impacts to the dwelling or retained amenity area of Littlemoor Farm.

The sectional detail submitted suggests the sill height of the roof lights would be above 1.7m from the internal floor, and so there would be no significant overlooking toward

Littlemoor Farm from the upper windows. There are directly opposing windows at ground floor, however subject to conditional detail, a typical c.1.8m boundary enclosure could provide for an effective screen. There are no windows proposed in the rear elevation of the garage. The development is therefore considered acceptable in relation to the impact to Littlemoor Farm.

The proposed garage would be the nearest of the buildings to 'The Stables' but would be separated by the access road and would not cause significant shading, loss of light, or have an unacceptable overbearing impact to this property. There would be some views possible from the gable window of the garage toward The Stables, but in view of the orientation and distance, it is considered there would not be an excessive degree of overlooking between rooms or to their front garden area.

In relation to construction, a degree of noise and disturbance from the works is inevitable. The impact is temporary and not in itself adequate justification for refusal of planning permission. To minimise and mitigate these impacts, the submission of a Construction and Environmental Management Plan could be made a condition of the development.

Parking and Highway Safety

The local highway network is not to modern standard, however the parts near the site are very lightly trafficked and low speed. The proposed use for a single dwelling would not cause any unacceptable intensification in traffic. The Highway Authority have also been consulted and raised no concerns in this regard. The Parking Standards SPG indicates a maximum parking requirement of once space per bedroom for units of this size (up to three spaces) and the proposed development would provide for sufficient parking and turning space within its curtilage.

The Highway Authority have nevertheless stated that the visibility from the site access is insufficient, and splays should be provided based on expected 20mph speeds. The applicant has not made any formal revision to the site layout but has submitted supporting documentation to illustrate what they consider to be achievable. This would appear to involve the removal of vegetation and slight realignment of the access so that it is at more of a right angle with the highway.

This would result in visibility less than the 20mph standard requested by the Highway Authority, noting that all of Squire Street (including the unmade section) is part of the adopted highway. However, the submissions demonstrate that a safe access can be achieved from the southern end of Squire Street for pedestrians and to an approx. 10mph standard for vehicular traffic. This is considered acceptable in principle, noting the local context (where speeds experienced would likely be lower than 20mph). The revisions would need to be subject of further detailed drawings and review, but submission and review of the same could be made a requirement of a planning condition.

It has been raised in representations that the blocking of the second (southern) access to Littlemoor Farm should be made a requirement of the development. However, such a requirement is not considered to be justified based on intensification of use, highway safety or any other planning grounds.

Ecology /Biodiversity

Policies MG19, MG20 and MG21 of the LDP seek to protect sites, species, and habitats of European, national, and regional/ local importance. The application is supported by a Preliminary Ecological Assessment which identifies the ecological value of the site, supported by field surveys, as well as its potential to support protected species. The report concludes that no further species-specific surveys are required and puts forward several mitigation measures, including maintenance of a dark corridor across the site (the hedgerow) through adoption of a sensitive lighting scheme and compensatory tree planting.

The Council's Ecologist's comments in relation to trees are noted and have been discussed in greater detail in the 'Trees' section of this report, above. They also objected because further flight survey for bats was considered necessary. This is because the mature tree line on the east of the site plus the hedgerows all make for excellent commuting and feeding areas, but little is known of which species are using this, noting, there are differences in light sensitivity between species. Although a bat survey would be informative, the preliminary survey has concluded that there are no bats present on the application site and so the works would not require a European Protected Species licence - and consequently it not subject to the 'three tests' of the Habitats Regulations. Landscape and lighting design are of importance to biodiversity interests, particularly bats, but there is no evidence to suggest that a suitable scheme to preserve or enhance the value of the site as commuting and foraging habitat bat cannot be achieved or agreed as part of prospective planning conditions, if the application was considered acceptable in other regards.

It was also advised that a temporary newt/ reptile fence should be erected ahead of construction. Although the applicant's ecologist does not consider this necessary, appropriate mitigation and construction methods could be made subject of a planning condition, together with details of a landscaping and lighting scheme.

Policy MD9 (Promoting Biodiversity) also requires proposals to provide biodiversity enhancement. The measures proposed in the Ecology Report are to retain and enhance existing hedgerows and habitat on the site periphery, new planting and provision of bird and bat boxes. It is considered that these measures are acceptable in principle and the development is policy compliant, subject to further details which could be secured by condition.

Drainage/ Flooding

Welsh Water have confirmed that adequate capacity exists for the local network to accommodate foul flows from the development.

The site is not at any known risk of flooding. The application forms state that surface water is to be disposed of via the main sewer whereas soakaways are referenced within the Design and Access Statement. The utilisation of SuDS would likely be required, however given the potential of use of permeable materials for hard surfaced areas and the availability of open areas within the site curtilage, there is no evidence to suggest a suitable SuDS scheme cannot be achieved. The detailed scheme would require separate approval by the Council's Sustainable Drainage Approving Body (SAB).

Section 106 Planning Obligations

Policy MD4 of the LDP relates to Community Infrastructure and Planning Obligations and notes that the Council will seek to secure new and improved infrastructure, facilities, and services appropriate to the scale, type, and location of proposed developments through the use of planning obligations. The Council's Planning Obligations Supplementary Planning Guidance (SPG) 2018 provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought and indicates how they may be calculated. The Council's Affordable Housing SPG (2022) is also of relevance. These policies are evidence based and the calculation for the Local Housing Market Assessment (LHMA) 2021 shows a net annual requirement of 1205 affordable units in the Vale of Glamorgan during the next five-year period 2021-2026. This demonstrates a continued high demand for affordable housing in the area.

Policy MG4 requires all residential sites resulting in a net gain of one or more dwellings to provide an element of affordable housing. The site is in Llysworney and for one dwelling, therefore the policy requires that the site should deliver 40% affordable housing which equates to a financial contribution equivalent to 0.4 of a dwelling. The calculation is based on the following equation:

Acceptable Cost Guidance (£) per unit x % Social Housing Grant x Number of affordable housing units = Financial contribution (£).

The contribution is calculated based upon local need at the time of the application. The principal local demand is for two-bedroom properties and therefore this has been calculated as £34,429.

The applicant has stated that this is a self-build project and may so be eligible for exemption. In such cases, a S106 legal agreement would be required to secure the payment of the financial contribution in the event the exemption was not claimed or able to be verified, in accordance with procedures outlined in the SPG. While it is understood the applicant is agreeable, in principle, to go down this route there is no completed agreement in place at this present time. Therefore, adequate provision for affordable housing has not yet been secured, contrary to policies MD4 (Community Infrastructure and Planning Obligations) and MG4 (Affordable Housing) of the LDP and the Council's Affordable Housing SPG.

Other matters

The impact of the development upon private views is not a material planning consideration.

There have been concerns that the garage could be used as separate/ holiday accommodation. This does not form part of the proposals and limitation of its use could be made subject of condition, if so required.

RECOMMENDATION

REFUSE

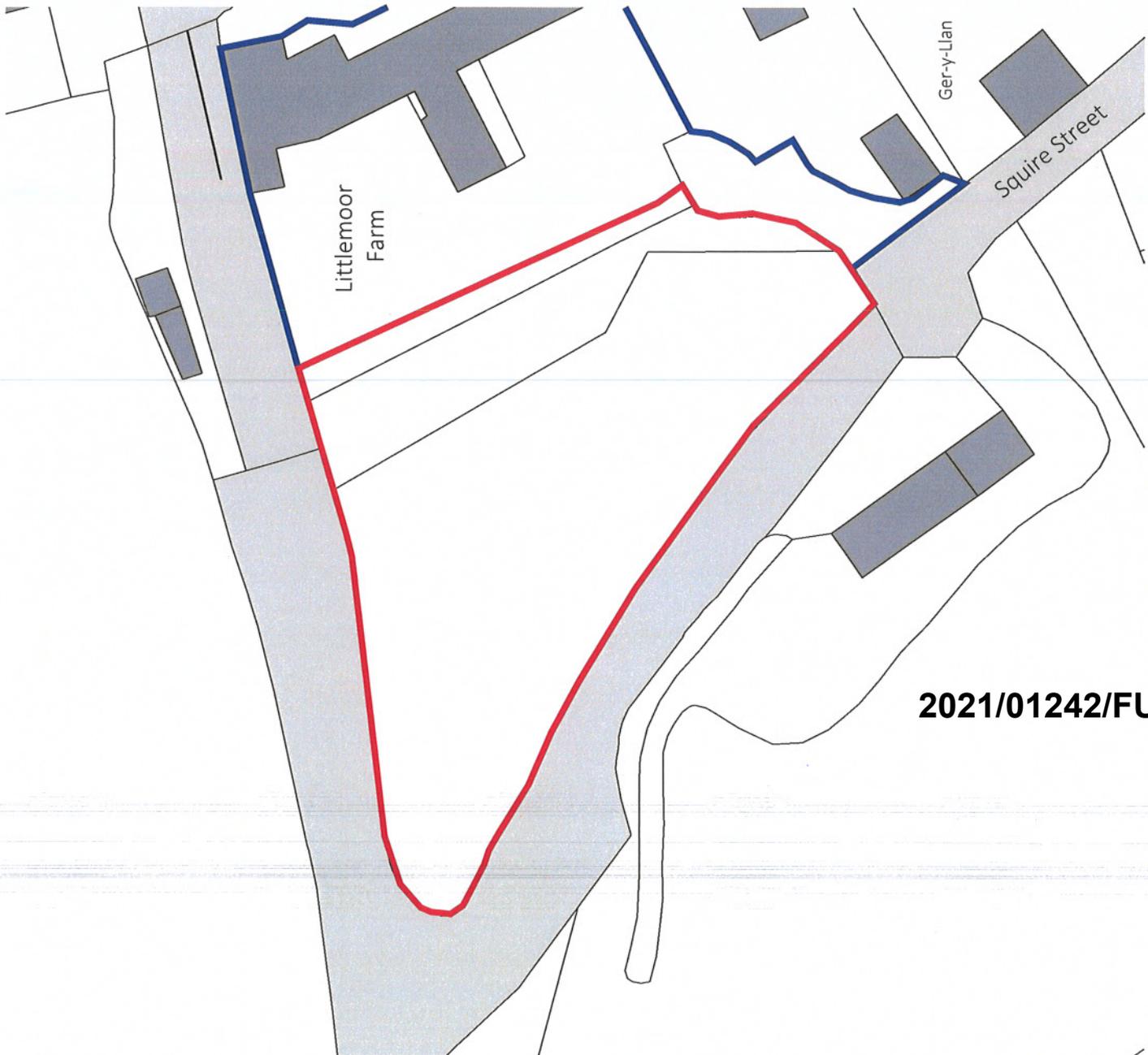
1. Having regard to the Council's duties under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the development would harm the character and appearance of the Llysworney Conservation Area by reason of its size, scale, urbanising effect and the significant disruption of a significant view. It is therefore contrary to Policies SP1 - Delivering the Strategy, criterion 1 of SP10 - Built and Natural Environment, criteria 1, 2 and 10 of MD2 - Design of New Development, criteria 3 and 4 of MD5 - Development within Settlement Boundaries and criterion 1 of MD8 - Historic Environment of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; as well as the advice and guidance contained in Planning Policy Wales (11th ed.) and TAN12 - Design.
2. The proposals would result in the unnecessary loss of a significant number of trees which have biodiversity and habitat value, climate benefits, and contribute positively to local amenity and the character and verdant setting of the Llysworney Conservation Area. The development is therefore contrary to Policies SP1 - Delivering the Strategy, criterion 1 of SP10 - Built and Natural Environment, criteria 10 of MD2 - Design of New Development, criteria 3 and 4 MD5 - Development within Settlement Boundaries and Policy MD9 – Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; as well as the advice and guidance contained in Planning Policy Wales (11th ed.) and TAN12 - Design.
3. In the absence of a Section 106 agreement, adequate provision for affordable housing has not been secured, contrary to policies MD4 (Community Infrastructure and Planning Obligations) and MG4 (Affordable Housing) of the LDP and the Council's Affordable Housing SPG.

REASON FOR RECOMMENDATION

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

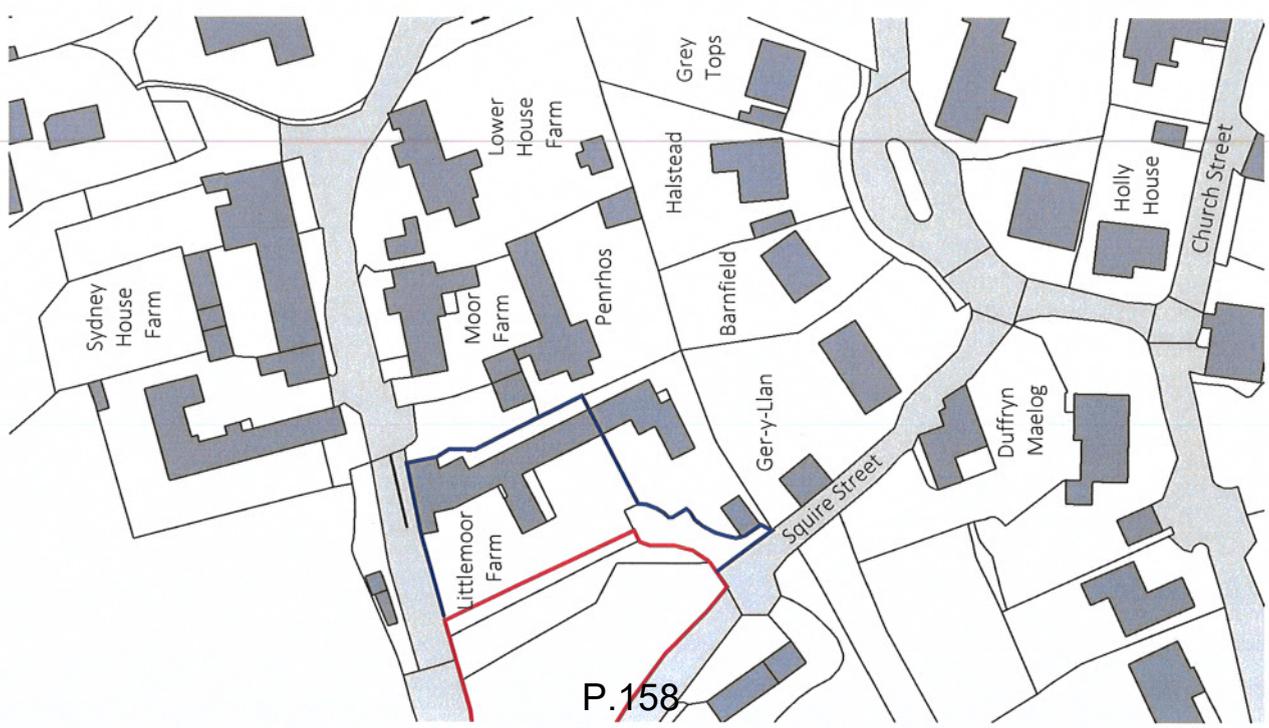
It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

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



2021/01242/FUL

BLOCK PLAN
Existing



2022/00046/FUL Received on 20 January 2022

APPLICANT: Nigel Arnold Architect, 5 Penarth Head Lane, Penarth, CF64 1BB

AGENT: Nigel Arnold, Nigel Arnold Architect, 5 Penarth Head Lane, Penarth, CF64 1BB

4, Park Road, Penarth

Removal of 1950s external concrete stair. Construction of new part internal stair and lift shaft pod. Reinstatement of top floor side window as original. Removal of concrete surrounds to front top floor window and reinstatement with Bathstone surrounds to wider windows. Replacement of rendered flat roof side dormer window with new pitched roof dormer. Construction of top floor rear extension and balcony

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 former Member Cllr Gray due to the potential overbearing nature of the structure to the neighbours at no.5 and the loss of privacy.

EXECUTIVE SUMMARY

This is a full application for the removal of an external concrete stairway with the construction of new part internal stair and lift shaft pod, replacement of rendered flat roof side dormer window with new pitched roof dormer, construction of top floor rear extension and in set balcony as well as a ground floor side extension and three roof lights within the principal elevation.

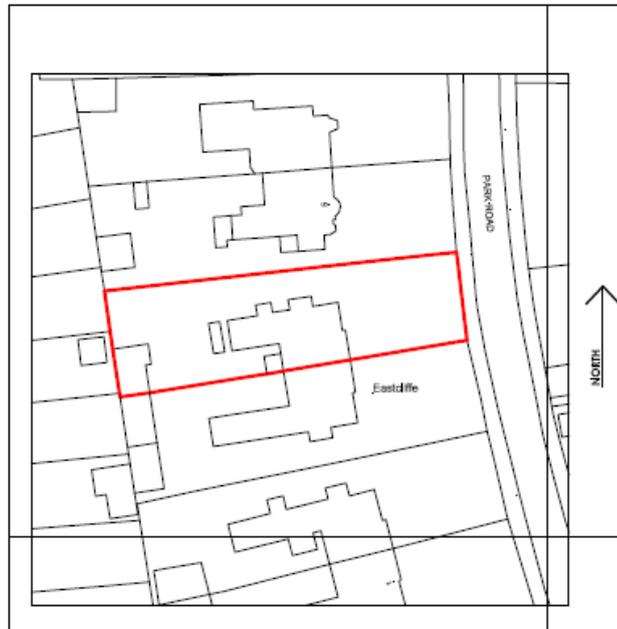
The main issues involved in the assessment of the planning application are the principle of development, scale, design, and visual impact of the proposal on the Penarth Conservation area, and impact on residential amenity.

Five letters of representations have been received objecting on the grounds of the visual impact upon the Penarth conservation area, concerns over overlooking into the adjoining neighbours side elevation windows, the impact of the in-set balcony situated adjacent to the boundary with the adjoining semi, and the associated impact upon privacy levels within the rear private amenity space for the adjoining semi.

Whilst having considered the letters of representations received and taking the matters into consideration, the development is recommended for approval, subject to conditions.

SITE AND CONTEXT

The application site relates to 4, Park Road, Penarth, a top floor apartment situated within a semi-detached property in the residential settlement boundary of Penarth as identified in the Vale of Glamorgan adopted Local Development Plan 2011 – 2026. It is located within the Penarth Conservation Area. A site location map is attached below.



DESCRIPTION OF DEVELOPMENT

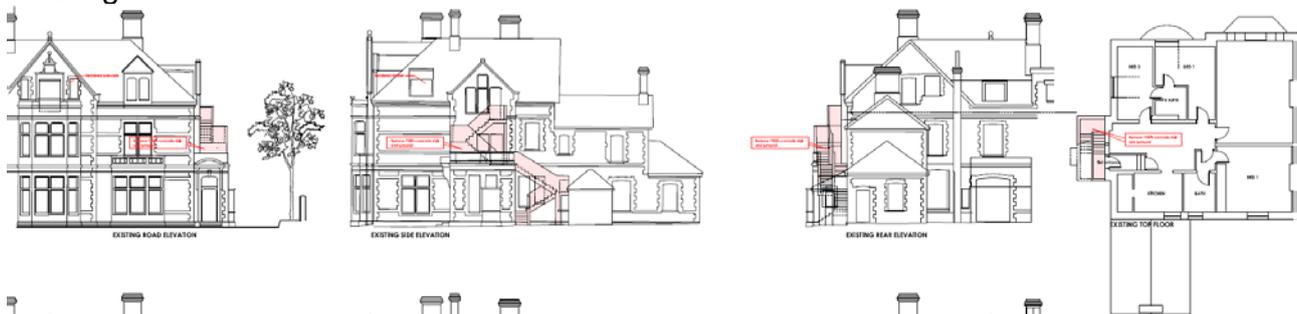
The application seeks permission for the removal of a 1950s external concrete stairway with the construction of new part internal stair and lift shaft pod, replacement of rendered flat roof side dormer window with new pitched roof dormer, construction of top floor rear extension and balcony as well as a ground floor side extension and three roof lights within the principal elevation.

The rear second extension measures approximately 8.1m wide, 2.4m deep. It is situated approximately 6.3m above ground level, the extension is 4.6m high. The shroud around the in-set balcony measures approximately 2.7m tall, 4.4m wide and 40cm deep.

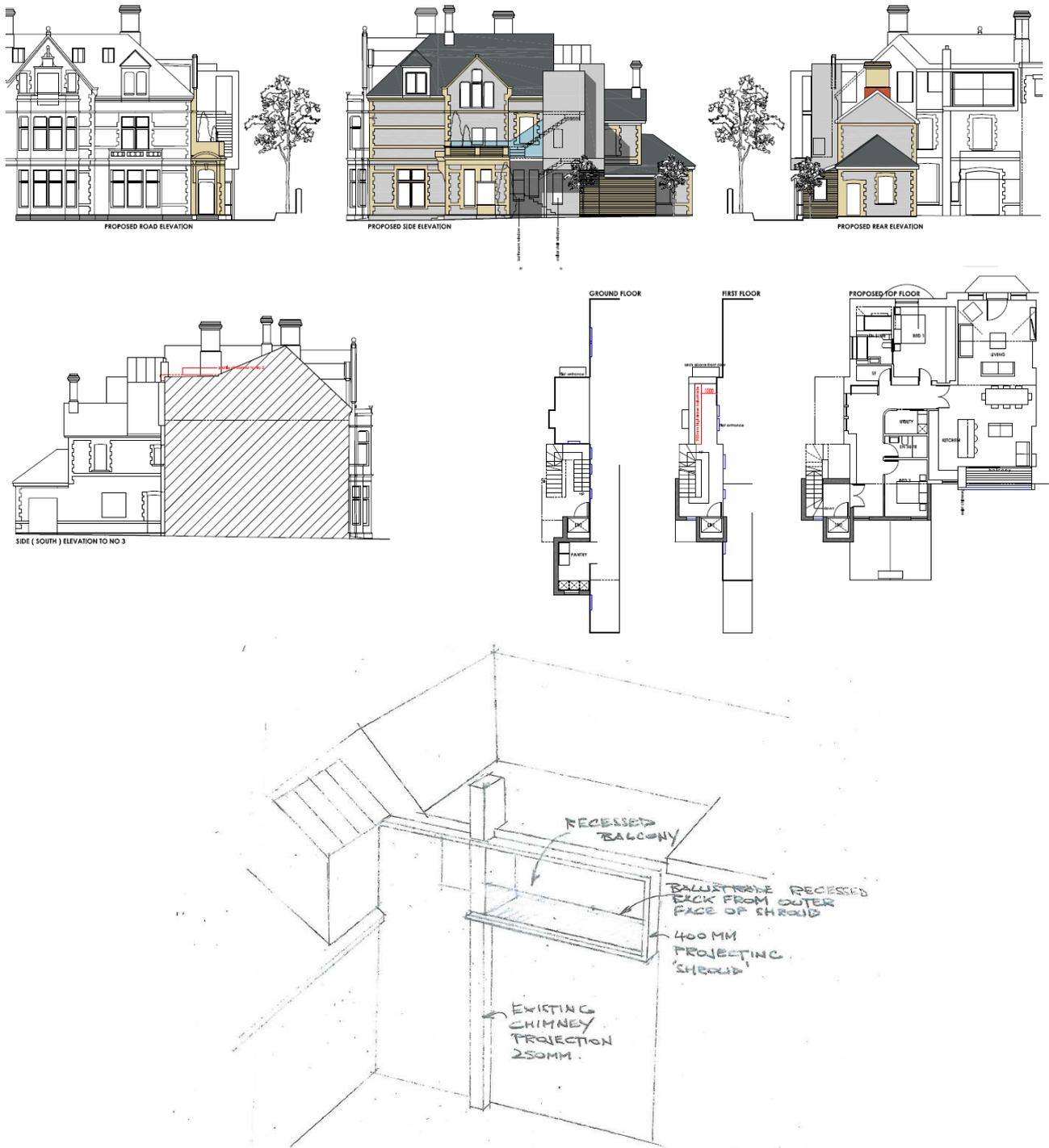
The lift shaft approximately measures approximately 9.5m high, a width of 2.7m and a depth of 3.1m. The ground floor side extension measures approximately 2.2m deep, 3.7m wide with an eave's height of 2.6m and a maximum height of 3.5m

The extension would be finished in dark coloured silicon render and buff brick

Existing:



Proposed:



PLANNING HISTORY

1996/00115/FUL, Address: 4, Park Road, Penarth, Proposal: Conversion of existing coach house to mews cottage, Decision: Refused.

2015/01040/TCA, Address: 6, Park Road, Penarth, Proposal: Fell Cherry tree, Decision: Refused.

2017/00964/TCA, Address: 4, Park Road, Penarth, Proposal: Reduction in Yew, Holly and Bay trees within Penarth Conservation Area, Decision: Approved.

CONSULTATIONS

Penarth Town Council were consulted on 31 January 2022, who responded on 11.02.2022 stating: *No objection, subject to the case officer being satisfied with the level of overlooking from the proposed balcony and extensions.*

Plymouth Ward members were consulted on 31 January 2022, no response has been received. Former Cllr Gray responded calling the application in for determination by Planning Committee.

Penarth Town Council were re-consulted on 26 April 2022, no response has been received.

Plymouth Ward members were re-consulted on 26 April 2022, no response has been received.

REPRESENTATIONS

The neighbouring properties were consulted on 31 January 2022.

To date five representations have been received, their comments are summarised below:

- Heritage Impact report makes no mention of the proposed top floor rear extension
- Will the proposed extension be entirely glass fronted?
- Can measurements be provided for the top floor extension and balcony
- Extremely concerned with the plans including the formation of the rear top floor extension and balcony. This is currently just a small dormer window, and you will clearly see the dramatic impact the new arrangements will have.
- The proposal shall have the following impacts: A detrimental factor on the saleability of our property, A detrimental impact on the value of our property, Occupants using the proposed new balcony will have a clear and close uninterrupted view of No3 rear garden, will be left with no privacy in garden and would be reluctant to utilise the obvious amenities due to this.
- Any repairs to the staircase do not require the installation of a lift
- Any original features exposed by the removal of the existing stairs will be outweighed by the appearance of the modern lift shaft, which is out of character with the Victorian property.
- Potential noise and light pollution issues, which is very concerning due to the proximity of this structure to No5.
- There are 13 windows within the side elevation facing the proposed lift which has a glass front. Therefore, it will look into ground floor rooms and first and second floor bedrooms, which is an invasion of privacy.
- The proposed balcony at the rear of the property will overlook the garden as well as adjoining properties in Park Road and Plymouth Road. Again, this is clearly an invasion of privacy.
- The bedroom window of No5B looks directly into the side elevation at 4 Park Road. Possible noise from the proposed lift as well as light reflection and intrusion from the glass-fronted lift.
- Why is the lift necessary if the current staircase is being repaired and modified?
- Such a modern structure will detract from the Victorian architecture in this conservation area.

- Invasion of privacy at the rear garden of this property from the proposed balcony.

One representation has been received since the re-consultation; this is summarised below:

- Comments remain largely the same as original stated above
- The existing building has a dormer window from which there is little or no external view
- Although the plans have been amended and the extension and balcony will now sit within the footprint of the building, it will still incorporate glass doors onto a balcony. This remains unacceptably obtrusive. It still allows a full, close, and uninterrupted view directly onto No3 rear garden.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP10 – Built and Natural Environment

Managing Development Policies:

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD8 - Historic Environment

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

Technical Advice Notes:

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

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

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:

- Penarth Conservation Area Appraisal and Management Plan
- Residential and Householder Development (2018)

Other relevant evidence or policy guidance:

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

- Welsh Office Circular 13/97 - Planning Obligations
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

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

In assessing the application against the above policies and guidance, the principal issues to consider in the determination of this application include the design and visual impact of its impact on the character of the host dwelling, as well as its impact on the character of the street scene and whether the proposal would preserve or enhance the character of the Conservation Area. Also, to be assessed is the potential impact on the amenity of neighbouring residential occupiers.

Design and Visual Impact

In terms of character of the Conservation Area, Policy MD8 is particularly relevant, which states that development within Conservation Areas must "protect the qualities of the built and historic environment". Development must also "preserve and enhance the character or appearance of the area".

The amended proposal also includes the addition of an in-set rear balcony, which comprises of a 40cm deep projecting shroud with an in-set balcony balustrade. This element of the proposal is situated on the rear elevation, and as such this element is not widely visible from public areas, and would have limited visual impact upon the character of the conservation area. It is noted that the adjoining neighbour No3 Park Road has a rear dormer, as well as additional alterations, in addition the applicant's property already has a small rear dormer. The shroud and inset balcony, which replaces the existing dormer, represent a modern addition to a traditional property, but will have limited and no harmful impact upon the character of the conservation area.

The proposal also includes the removal of an existing 1950's concrete external stairway, proposed to be replaced with the construction of new part internal stairs and lift shaft pod. The lift shaft finishes approximately 2.5m below the ridge of the dwelling and would be set back some 30m from the highway. Moreover, the side elevation of the property, due to its set back and vegetation along the site frontage, is largely screened and can only be glimpsed from Park Road. On this basis, the lift shaft would not represent a prominent addition and the width and overall design of the shaft would be subservient to the main dwelling. The Penarth Conservation Area Appraisal and Management Plan notes the importance of proposals "avoiding mimicking architectural styles and creating fake buildings that devalue the real historic buildings". The applicant's dwelling is of Victorian

design, utilising stone detailing and other traditional design pieces, and by contrast this modern lift shaft greatly differs in design through its rectangular design. However, this is considered to preserve the character of the building by creating a clear distinction between the existing and the modern additions, and the design/proportions are considered to be compatible.

The removal of the modern external staircase will result in creation of a first-floor balcony, although these changes will not alter the size of the existing built form. The amended proposal includes a balustrade set within the parapet wall, and this balustrade would serve to restrict the usability of the space in order to address overlooking concerns. The balustrade would largely be concealed by the existing parapet wall but would not be visible from the wider conservation area.

The application also seeks permission for a rear top floor extension, situated within an existing rear projecting gable. This gable currently has a pitched roof and is two storeys. The proposal seeks to increase this height to three storeys where the extension is sited, and the extension measures approximately 2.4m deep with a maximum height of 4.8m. Although the extension is largely sited within the rear elevation, there is a section which protrudes past the existing side elevation, however this will not be widely visible from outside the site. The proposed ground floor side extension is deemed to be a subservient addition and will have limited impact upon the character of the dwelling and wider conservation area.

The proposal also includes the installation of three roof lights, and these would be located within the principal roof plane. Given their siting within the principal roof plane they will be partially visible from Park Road. However, it is noted that there are front boundary trees and vegetation which shall partially obscure views towards them, and there are other examples of roof lights within Park Road. The three roof lights would be further obscured by the gable elevation and front dormer/window and as such, despite their siting within the principal elevation they are not visually prominent. However, these rooflights are only acceptable on the basis that they are flush fitting "conservation" style rooflights, the details of the which shall be required by condition.

The materials and finishes proposed comprise a mix of dark coloured silicon render to the first /second floor extensions and buff brick to the ground floor extension. Whilst these elements are not widely visible from outside the site, the lift shaft would be glimpsed and as such it is considered necessary to ensure that the correct coloured render is used, to complement the dwelling, which can be secured by way of condition.

In addition, the proposal includes alterations to an existing flat roof side dormer, to provide a pitched roof which will reflect the small dormer located within the principal elevation and will be more in keeping with property.

Impact on neighbouring 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.

The original scheme proposed full height glazing in the side elevation of the lift shaft, which could have resulted in overlooking of the adjacent occupiers. This has been removed and replaced by a solid wall addressing concerns relating to both light spill and

overlooking. shaft. As such this element is deemed acceptable in terms of impact upon neighbouring dwelling's level of privacy. The staircase has two narrow windows which are situated within the rear elevation, and these would provide views rearwards, however given the limited use of the stairway and the fact that they are not considered as habitable windows they would not unacceptably impact upon the privacy of adjacent occupiers.

The proposed lift shaft is situated approximately 4m off the boundary and 12m off the side elevation of 5A and 5B Park Road. Although the 9.5m tall lift shaft is situated within relative proximity to the boundary, given the relatively modest width of 2.7m the massing of this extension would not unreasonably enclose the outlook of the flats at 5A and 5B Park Road.

There are no concerns regarding loss of privacy from the additional roof lights to the front, due to the set back of approximately 40m from the dwelling opposite the front elevation.

With regard to the area on the side which serves as the entranceway to the first floor flat, the amended scheme seeks has reduced the width by way of a glass balustrade to a usable space of 1m wide. The side elevation of the flats at 5A and 5B Park Road have 13 windows, although some of these are obscurely glazed the majority are clear. The current entranceway to the first floor flat within the application site is restricted in space due the stairwell and as such can only be used as an entranceway to the apartment rather than additional amenity space. The proposed area which will be created following the removal of the stairwell is situated approximately 7m off the boundary. There are trees which currently largely screening views, although trees cannot be fully relied upon for screening due to potential for disease and their removal. However, given the limited width of the balcony it will effectively be used more as an entranceway rather than an additional amenity space. This element of the proposal would therefore not result in an unacceptable increase in the level of overlooking towards the occupiers at 5A and 5B Park Road.

In terms of the proposed rear balcony, the amended scheme has an in-set balcony within the footprint of the building as well as a 40cm deep shroud. Concerns raised by both the local planning authority as well as neighbouring dwellings led to amendments within the scheme to this finalised design, which replaces a projecting balcony which would have resulted in close open views of the rear garden adjoining dwelling of 3 Park Road. The proposed in-set balcony and shroud would limit views outwards when compared to an external balcony. It is noted that the adjoining semi has a dormer within the rear elevation, which finishes flush with the rear wall. Currently the applicant's dwelling has a small dormer window within the rear elevation. Due to the enclosed nature of the dormer, any person who wished to look outwards would have to make a conscious effort to enter the space and look out of the dormer window. Although this is noted, the window provides complete views towards No3's rear private amenity space. The replacement balcony would continue to offer views into this garden space, and the balcony is likely to be used more frequently, as alternative private amenity space for the apartment is located at ground floor. It is also material that the dormer to the rear of 3 Park Road provides direct views into the amenity space to the rear of 4 Park Road. Given the existing level of mutual overlooking and the set back view from balcony, its use would not result unacceptable overlooking of the rear garden of 4 Park Road, whilst accepting that a general level of intervisibility is common within urban areas.

The proposed rear extension shall aid in screening views from the proposed balcony towards the adjacent property at 5A and 5B Park Road, the balcony is situated approximately 15m away from the boundary with these neighbours

The proposed rear extension has two windows within the rear elevation at second floor level. The window nearest 5A and 5B serves a hallway, which serves a non-habitable space. The other window serves a bedroom and is sited within the corner of the room, approximately 6m off the shared boundary with 3 Park Road, the existing dwelling has a window a similar distance of the boundary, albeit set further back. However, the view from this window, due to its angle, distance from the boundary and relationship with 3 Park Road would result in any unacceptable loss of privacy of the adjacent rear garden.

The works to the rear elevation including the addition of windows and an in-set balcony are a minimum of 21m away from opposing habitable rooms, including the outbuilding situated at the bottom of 3 Park Roads' rear garden. This 21m distance is within compliance with the design standard contained within the Councils Residential and Householder Development SPG.

With regard to the comments received, the points have largely been addressed above. Impact upon value of dwelling as well as saleability is not a material planning consideration.

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:

Amended PR-04 rev E

Reason:

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

3. The balustrade within the first floor balcony/entranceway shall be erected prior to the first beneficial occupation of the flat (following the demolition of the existing external stairway) and it shall be retained thereafter.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

4. Notwithstanding the submitted plans prior to their installation, details of roof lights, which shall be flush fitted (Conservation style roof lights) shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be so retained.

Reason:

To safeguard the design and character of the conservation area, as required by Policy MD2 (Design of New Development), SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

5. Notwithstanding the submitted plans, prior to their use details and specifications of external wall materials and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed and be retained in accordance with the approved details.

Reason:

To safeguard the design and character of the conservation area, as required by Policy MD2 (Design of New Development), SP1 (Delivering the Strategy), 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 MD2 - Design of New Development, policy MD5 - Development within Settlement Boundaries, policy MD8 – Historic Environment, POLICY SP10 – Built and Natural Environment, SP1 Delivering the Strategy of the Vale of Glamorgan Adopted local Development Plan 2011-2026 and Future Wales – the National Plan 2040, and the advice contained within the Council's Supplementary Planning Guidance on Residential and Householder Development and the Penarth Conservation Area Appraisal and Management Plan, Planning Policy Wales 11th Edition, Technical Advice Note 12 – Design and Technical Advice Note 24 – The Historic Environment (2017) , overall the proposal is considered acceptable in terms of the impact on visual amenity and would preserve the character of this part of the Penarth Conservation Area, and would not unacceptably impact upon neighbours.

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:

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.

2022/00046/FUL

318700m

318600m

171300m

171200m



Client

MR AND MRS ARNOLD

Project

4 PARK ROAD, PENARTH

Title

LOCATION PLAN

Status

Design

Date

Nov 2021

Scale

1:1250 @ A4

Drawing No.

PR:05

Rev

nigel arnold / architect

- The Studio,
- 5 Penarth Head Lane,
- Penarth,
- Vale of Glamorgan, CF64 1BB
- t: 029 2070 2501
- e: studio@nigel-arnold.com

2022/00155/FUL Received on 14 March 2022

APPLICANT: Darren Evans, 32, Merthyr Dylan Road, Barry, CF62 9TG

AGENT: Andrew Skinner, 36, Coychurch Road, Bridgend, CF31 3AP

Land off Porthkerry Road, Rhoose

Construct 1.8m high feather edged fence and blackthorn hedgerow planting to approximately 50m of boundary to land off Porthkerry Road

REASON FOR COMMITTEE DETERMINATION

This application is reported to Planning Committee under the Council's approved scheme of delegation because the report contains a dual recommendation including planning enforcement action in the form of a Planning Enforcement Notice, which is outside the scheme of delegated powers.

EXECUTIVE SUMMARY

This retrospective planning application relates to a 1.8 m feather edged fence erected at the above-mentioned site, which fronts Porthkerry Road and therefore requires planning permission. The fence is located along the southern boundary of the field. The principal issue to consider is the impact on the character and appearance of the surrounding area.

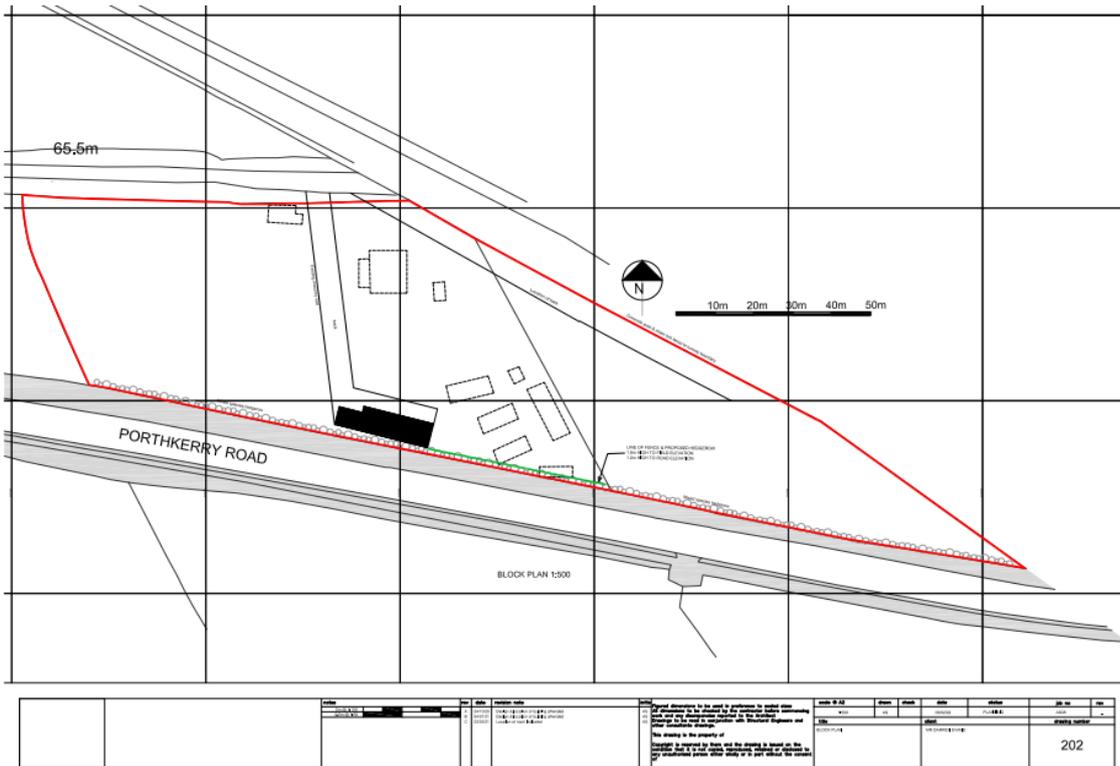
It is recommended that the planning application is refused, and that enforcement action be authorised in order that an enforcement notice may be issued to remedy the breach of planning control, given that the fence is considered to have an unacceptable and negative impact on the character of the area. In addition, in the event of non-compliance with the enforcement notice, authorisation is also sought to take such legal action that may be required.

SITE AND CONTEXT

The application site is agricultural land located at Porthkerry Road, Porthkerry, Rhoose. The site is located outside any settlement boundary and is therefore located in the countryside. The site also lies within a Mineral Safeguarding Zone for Limestone (Category 2).

The site is accessed from an existing access along Porthkerry Road close to Pentir Y De and it is largely screened from the wider area by a hedgerow (which has been partially replaced with the proposed 1.8 m fence). The site shares a boundary with Porthkerry Road to the South and Cardiff Airport to the north.

Location of fence:



DESCRIPTION OF DEVELOPMENT

Retrospective planning permission is sought to retain a 1.8m high feather edged fence and blackthorn hedgerow planting to approximately 50m of the boundary adjacent to Porthkerry Road. Photographs of the fence are seen below.





Images of fence taken from road:



PLANNING HISTORY

1992/00278/OUT, Address: Buena Vista site, Porthkerry Road, Rhoose, Proposal: Proposed industrial/warehouse units, a mixture of Class B1, B2 and B8, Decision: Refused, Case Officer: JPR, Decision Date: 3 September 1992

1997/00600/OUT, Address: Buena Vista, Porthkerry Road, Rhoose - Land known as, Proposal: Erection of unit for use within Class B1, Decision: Refused, Case Officer: MH, Decision Date: 29 July 1997

2020/00878/FUL, Address: Proposed Stables. Off Porthkerry Road, Rhoose, Proposal: Single storey stable block and access track, Decision: Approved, Case Officer: Shafqut Zahoor, Decision Date: 6 January 2021

2020/01301/FUL, Address: Land off Porthkerry Road, Rhoose, Proposal: Single storey pitched roofed timber stable building, Approved, Case Officer: Shafqut Zahoor, Decision Date: 6 January 2021

CONSULTATIONS

The Councils Highway Development Team were consulted on 22 March 2022. The highway authority has no objection to the proposed fence as the plan indicates the fence has been installed along the limit of the adopted highway. However, it has been confirmed that no part of the fence should encroach onto the adopted highway limits in perpetuity.

The Councils Drainage Section was consulted on 22 March 2022. No response was received at the time of writing this report.

Cardiff Airport (Safeguarding) was consulted on 22 March 2022. No response was received at the time of writing this report.

Glamorgan Gwent Archaeological Trust (GGAT) was consulted on 22 March 2022. GGAT have no archaeological objection to the application.

“Information in the regional Historic Environment Record (HER) shows that there are remains of a number of concrete buildings, considered to be a dispersed site related to the Second World War use of the Rhoose site, which had been established in 1942. These remains are overgrown but are shown in the HER as north of and adjoining the route of the proposed fence. It is unlikely that the planting of the hedgerow and construction of the fence would encounter further remains or require any mitigation. However, the nature of the buildings and the relationship with the wartime operations is not fully understood and we recommend that they should not be disturbed by the proposed work.”

The Councils Ecology Officer was consulted on 22 March 2022. No response was received at the time of writing this report.

Rhoose Ward members were consulted on 22 March 2022. No response was received at the time of writing this report.

REPRESENTATIONS

A site notice was displayed on 30/03/2022. No letters of representation have been received at the time of writing this report.

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 Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP9 - Minerals

POLICY SP10 – Built and Natural Environment

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

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 3 - Strategic and Spatial Choices

· Good Design Making Better Places

Para 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.”

Para 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.”

· Placemaking in Rural Areas

Para 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. The need to conserve these attributes should be balanced against the economic, social and recreational needs of local communities and visitors. Fostering adaptability and resilience will be a key aim for rural places in the face of the considerable challenge of maintaining the vibrancy of communities and availability of services as well as contributing to the Cohesive Communities well-being goal. This is coupled with ensuring the countryside is resilient to the impacts of climate change and plays a role in reducing the causes of climate change through the protection of carbon sinks and as a sustainable energy source in line with the Resilient Wales well-being goal.”

· Development in the Countryside

Para 3.60

“Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing, or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.”

Chapter 6 - Distinctive and Natural Places

• Recognising the Special Characteristics of Places

Para 6.3.3

“All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places. Considering landscape at the outset of formulating strategies and policies in development plans and when proposing development is key to sustaining and enhancing their special qualities and delivering the maximum well-being benefits for present and future generations as well as helping to deliver an effective and integrated approach to natural resource management over the long term. Collaboration and engagement with adjacent planning authorities, Natural Resources Wales (NRW), Cadw and the third sector will be necessary to draw on a wide range of expertise and evidence.”

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 6** – Planning for Sustainable Rural Communities (2010)

Para 6.2.1

“When preparing development plans and considering planning applications, planning authorities should consider the quality of agricultural land and other agricultural factors and seek to minimise any adverse effects on the environment. “

Para 6.2.2

“Planning authorities should bear in mind that, once land is built on, the restoration of seminatural and natural habitats and landscape features is rarely possible and usually expensive, and archaeological and historic features cannot be replaced. Also, once agricultural land is developed, even for ‘soft’ uses such as golf courses, its return to agriculture as best and most versatile agricultural land is seldom practicable.”

• **Technical Advice Note 12** – Design (2016)

Para 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.”

Para 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.”

Para 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).”

Para 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). The following SPG are of relevance:

• **Design in the Landscape**

DG15 Farm access

- *Where farm is alongside road, associated walls and hedges should be conserved and extended where necessary to link with new.*
- *Where hedges have been breached or removed to accommodate sight lines these should be gapped up or replaced on new alignment using similar species and structure to adjacent ones, including banks and walls.*
- *Chainlink, weldmesh, close boarded and other forms of fencing and gates more usually associated with industrial or urban situations should not be used.*

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

and the “sustainable development principle”, as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

The key issues for this application are the impact of the fence on the countryside, including its visual impact and impact on the rural landscape.

Impact on the Character and Appearance of the Countryside

Policy MD1 (Location of New Development) of the Local Development Plan requires that development on unallocated sites should have no unacceptable impact on the countryside. Policy MD2 (Design of New Development) requires that development proposals should be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest and respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density.

Policy DG1 of the Council’s SPG on Design in the Landscape requires the layout of development to be designed to avoid or minimise the impact on natural features.

This is supported by paragraph 5.8.1 of TAN12 which states ‘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.’

At the time of visiting the site, the fence subject to this application had been partially erected as shown in earlier photographs and although the roadside hedgerow screens some of the fence, there are gaps in the vegetation which is sparse in parts, revealing the full extent of large sections of the 1.8 m close boarded fence which is very much visible along Porthkerry Road. Generally, the surrounding fields adjacent to Porthkerry Road, Port Road and Tredogan Road are enclosed by established boundary hedgerows (as seen in the images below). Despite the location of the site near to Cardiff International Airport which is devoid of significant built form, the previous hedged boundary of the site is considered to contribute significantly towards a generally pleasing verdant and rural character in this location.



Image of site previous to fence being erected, taken from Google Maps, June 2021



Boundary treatments along Port Road, taken from Google Maps, Dec 2021



Boundary treatments along Tredogan Road, taken from Google Maps, Dec 2021

Close boarded feather edged fencing, such as the fence that has been erected, would not normally be expected to form the boundaries of agricultural land in a countryside setting, and is more typical of urban and suburban gardens. Due to its length of some 50 metres along the road frontage, the 1.8 m tall fence, whilst set back with some intervening planting, is still widely visible along Porthkerry Road, where such a form of enclosure is considered out of character with its rural setting. Its design and style gives the land a domesticated appearance, which is considered inappropriate in this rural location. The fence has a highly visible position along the boundary of the field, in a visually prominent area which is easily seen from the public highway which impacts on the character and appearance of the countryside and landscape.

Alongside the fence, the application proposes a blackthorn hedgerow in an attempt to mitigate the impact of the fence. The blackthorn hedge would take time to become properly established and whilst it may possibly provide some partial screening of the 1.8 metre fence over time, it is not considered that it will fully mitigate the detrimental impact that the fence will have on the character and appearance of the rural landscape.

Whilst it is accepted that the hedgerow may grow to provide further screening than at present, the suggested reliance upon hedgerow planting to screen the fence from view is considered to further demonstrate its harmful impact. However, there is no guarantee that this will occur to the extent that the fence will be sufficiently screened to avoid adverse visual impacts. Planting would take some time to reach maturity and as such, any screening benefits would be limited particularly in the short to medium term; during the winter months and could not necessarily be relied upon in perpetuity. This is considered particularly to be the case as the fence is constructed very close to the hedge line and could itself impact on the future growth of the hedgerow.

In 2021, planning permission was refused for the retention of a close boarded timber fence at Tynywaun Farm, Newton for the reason that by virtue of its length and elevated position along the road frontage, the fence would be out of character in the rural location and would

have a detrimental impact of the countryside (application ref: 2021/00536/FUL). In that case, the close boarded timber fence ran for some 44 metres along the frontage of Tynywaun Farm. Whilst the Inspector noted that the roadside hedge screened much of the front facing hedge, there were gaps in the vegetation which was sparse in sections and the upper parts of the fence was generally readily visible above the hedge. In dismissing the appeal (ref: APP/Z6950/A/21/3200410), the Inspector commented that *'The height of the fence at 2 metres means that it is a discordant feature when viewed from the adjacent section of the public highway. Its stark appearance creates a fortress-like impact that is out of keeping with the surrounding open rural character.'* Whilst the appellant had suggested that the hedge would grow to improve its screening quality, the Inspector considered that the future health of the hedge could not be assured given its proximity to the fence and a planning condition could not secure its long-term protection and he concluded that *'moreover, the mitigation provided by the vegetation does not justify permitting this insensitive development.'*

In conclusion, it is considered that the fence does not sympathetically contribute to the rural area, and it is, therefore, considered to be contrary to Policies MD1 (criteria 1 and 9) and MD2 (criteria 1 and 2) of the Local Development Plan, Technical Advice Note 6: Planning for Sustainable Rural Communities (Paragraphs 6.2.1 and 6.2.2) and 12 - Design (Paragraphs 2.6, 4.5, 4.8 and 6.16) and Planning Policy Wales (Chapters 3 and 6).

ENFORCEMENT ACTION

In view of the above assessment, it is recommended that an enforcement notice be issued under Section 172 of the Town and Country Planning Act 1990 in respect of the of the unauthorised fence currently on site. It is not known exactly when the fence was erected, however, it is since 2021 and within the last 4 years. The only way for the identified harm to the character of the rural landscape to be remedied would be to require the removal of the fence in its entirety or reducing the fence to 1 metre.

RESOURCE IMPLICATIONS (FINANCIAL AND EMPLOYMENT)

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

LEGAL IMPLICATIONS (TO INCLUDE HUMAN RIGHTS IMPLICATIONS)

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 IMPLICATIONS (TO INCLUDE WELSH LANGUAGE ISSUES)

None.

REASON FOR SEEKING AUTHORISATION TO SERVE AN ENFORCEMENT NOTICE

1. It appears to the Council that the above breach of planning control constituting operational development has occurred within the last four years.

2. By reason of its siting, design, and the distinctly rural appearance of the landscape, the fence at this prominent plot fronting Porthkerry Road adversely impacts the visual amenity of the countryside and harmfully dilutes the consistent rural and verdant character, which is a key landscape feature of this area. The development is, therefore, contrary to Policies MD1 and MD2 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice contained within Technical Advice Note 6 and 12 and Planning Policy Wales 11th Edition.
3. It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

RECOMMENDATION

- (1) It is recommended that the application be refused.

By reason of its siting, design, and the distinctly rural appearance of the landscape, the fence at this prominent plot fronting Porthkerry Road adversely impacts the visual amenity of the countryside and harmfully dilutes the consistent rural and verdant character, which is a key landscape feature of this area. The development is, therefore, contrary to Policies MD1 and MD2 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice contained within Technical Advice Note 6 and 12 and Planning Policy Wales 11th Edition.

- (2) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

The removal of the fence and resulting materials from the land or reduction of the fence to a height of not more than 1 metre above ground level.

- (3) 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

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

The proposed fence has an unacceptable impact on the visual amenity of the countryside and is therefore contrary to Policies MD1 and MD2 of the Local Development Plan.

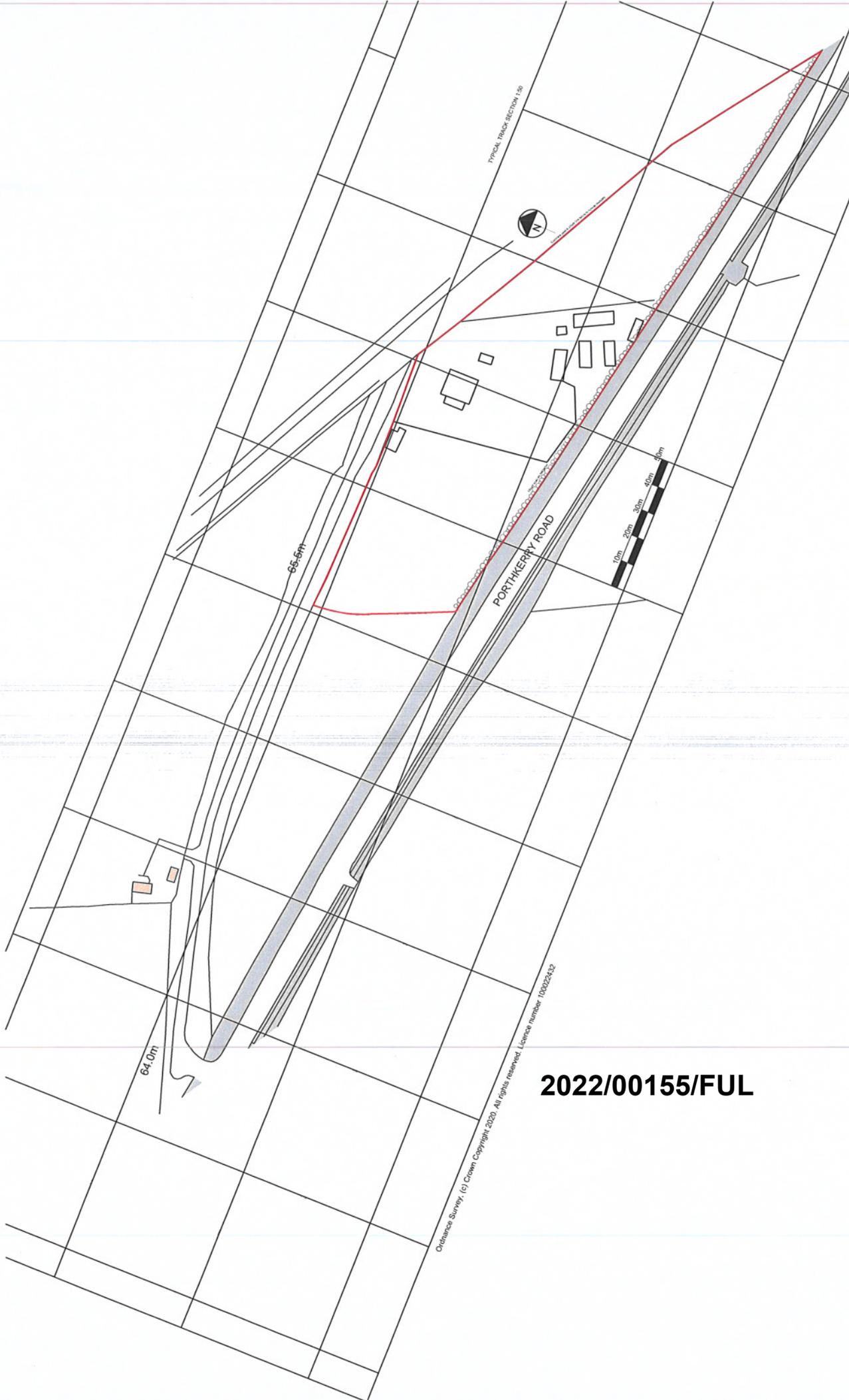
It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

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

RECOMMENDATION

REFUSE AND AUTHORISE ENFORCEMENT ACTION

1. By reason of its siting, design, and the distinctly rural appearance of the landscape, the fence at this prominent plot fronting Porthkerry Road adversely impacts the visual amenity of the countryside and harmfully dilutes the consistent rural and verdant character, which is a key landscape feature of this area. The development is, therefore, contrary to Policies MD1 and MD2 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice contained within Technical Advice Note 6 and 12 and Planning Policy Wales 11th Edition.



Ordnance Survey. (c) Crown Copyright 2020. All rights reserved. Licence number 100022432

2022/00155/FUL

rev	date	revision note	initia	scale @ A3	drawn	check	date	status	job no	rev
A	12/07/20	Location plan extended & amended	AS	1:1250	AS	AS	09/02/22	PLANNING	AS38	-
B	24/10/20	Location plan amended	AS							
C	04/01/21	Location plan amended	AS							
<p>Client: MR DARREN EVANS</p> <p>Title: LOCATION PLAN</p>									001	
<p>Figured dimensions to be used in preference to scaled sizes. All dimensions are to be taken from the drawing. Any discrepancies reported to the Architect shall be the responsibility of the Architect. This drawing is the property of [Name] and is not to be used for any other project without the written consent of [Name].</p>										

2022/00401/FUL Received on 28 March 2022

APPLICANT: Mr and Mrs Markos, and Markella Asprou 3 White House, Barry, CF62 6FB
AGENT: Mr Tasos, Asprou Studio 2, The Coach House, Stanwell Road, Penarth, CF64 3EU

3, White House, Barry

Single and two storey extensions to the front and rear of property to include annex; single storey extension to the side, including material and other alterations. Rear terrace and alterations to front boundary treatments. Internal alterations

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 Steffan William for the following reasons:

- Overbearing scale of proposed extension on neighbouring properties.
- Loss of light to neighbouring properties.
- Harmful impact on the character of Barry Marine Conservation Area.
- Increase in habitable rooms to cause unsustainable increase in on-street parking.
- Lack of amenity space within applicants' property.
- Harmful overlooking impacts from Velux windows on neighbouring properties.

EXECUTIVE SUMMARY

The application relates to 3, White House, a detached dwelling located within the Barry Marine Conservation Area. Permission is sought for front and rear extensions – in addition to other alterations.

Number 3 White House has been subject to a previous planning application 2021/00020/FUL. Those councillors present at the planning committee on 20/09/2022 will recall this application as the application was overturned by members from the officers' recommendation for approval and refused on the following grounds:

1. By reason of its scale and design, the proposal would result in an incongruous addition to the property that would detrimentally impact upon the appearance and character of the streetscene and wider Conservation Area.
2. By reason of its scale, form, proximity to the boundary with the neighbouring property and projection past the neighbour's front elevation, the proposed extension would result in an imposing and overbearing impact on the neighbour at number 1, White House to such an extent that it would unacceptably impact upon the living conditions of the occupiers.
3. The proposals would result in an unacceptable demand for parking which cannot be provided on site or within the immediate streetscene.

The refusal was appealed by the applicant and then dismissed by the Planning Inspector (Case Ref: CAS-01460-H4F0F7).

The current application, as amended, is a resubmission for a broadly similar form of development to that previously proposed albeit with altered aspects:

- Reconfiguration of internal floor plans, including window arrangement serving 'bedroom 1'.
- Removal of the fence on the eastern boundary with number 5 White House.
- Addition of obscurely glazed and non-opening features for the roof-lights serving the first-floor hallway and bedroom number 3.

Four representations were received during the course of the application raising the following main issues:

- There has been no material difference in the proposed application from the previously submitted and later refused application.
- Due to the additional proposed bedroom within the dwelling, there are harmful impacts surrounding the quantity and quality of parking provision to serve the additional bedrooms.
- Harmful overlooking impacts from proposed roof-lights as well as first floor proposed windows.
- Unneighbourly overbearing impacts from all proposed (front, side/front and rear) extensions, harming the neighbouring amenity, privacy as well as overshadowing impacts.
- Harmful overdevelopment of the plot with disregard to original design not being suited for multi-occupation.

The primary issues considered throughout the application are the potential impact upon the character of the property and conservation area and the potential impact upon the amenity of neighbouring residential properties and the living conditions in the applicants' property in terms of outlook and ventilation.

Having considered all of the above, including the alterations from the previously refused proposals and the comments of the Inspector within the relevant appeal decision, on balance, the proposals are considered acceptable, and the application is recommended for approval.

SITE AND CONTEXT

The application relates to 3, White House, a detached dwelling located within the Barry Settlement Boundary. The property is located within the Barry Marine Conservation Area. The surrounding street scene contains a degree of varying designs and scale, albeit the overall style and character (including the materials) is generally consistent throughout. A site location plan is shown below:



DESCRIPTION OF DEVELOPMENT

Consent is sought is for the following to the property:

1. First floor extension on the front of the property.
2. Two storey in-fill extension on the south-eastern corner.
3. Storeroom to the rear of the garage at the front of the property.
4. Single storey rear extension.

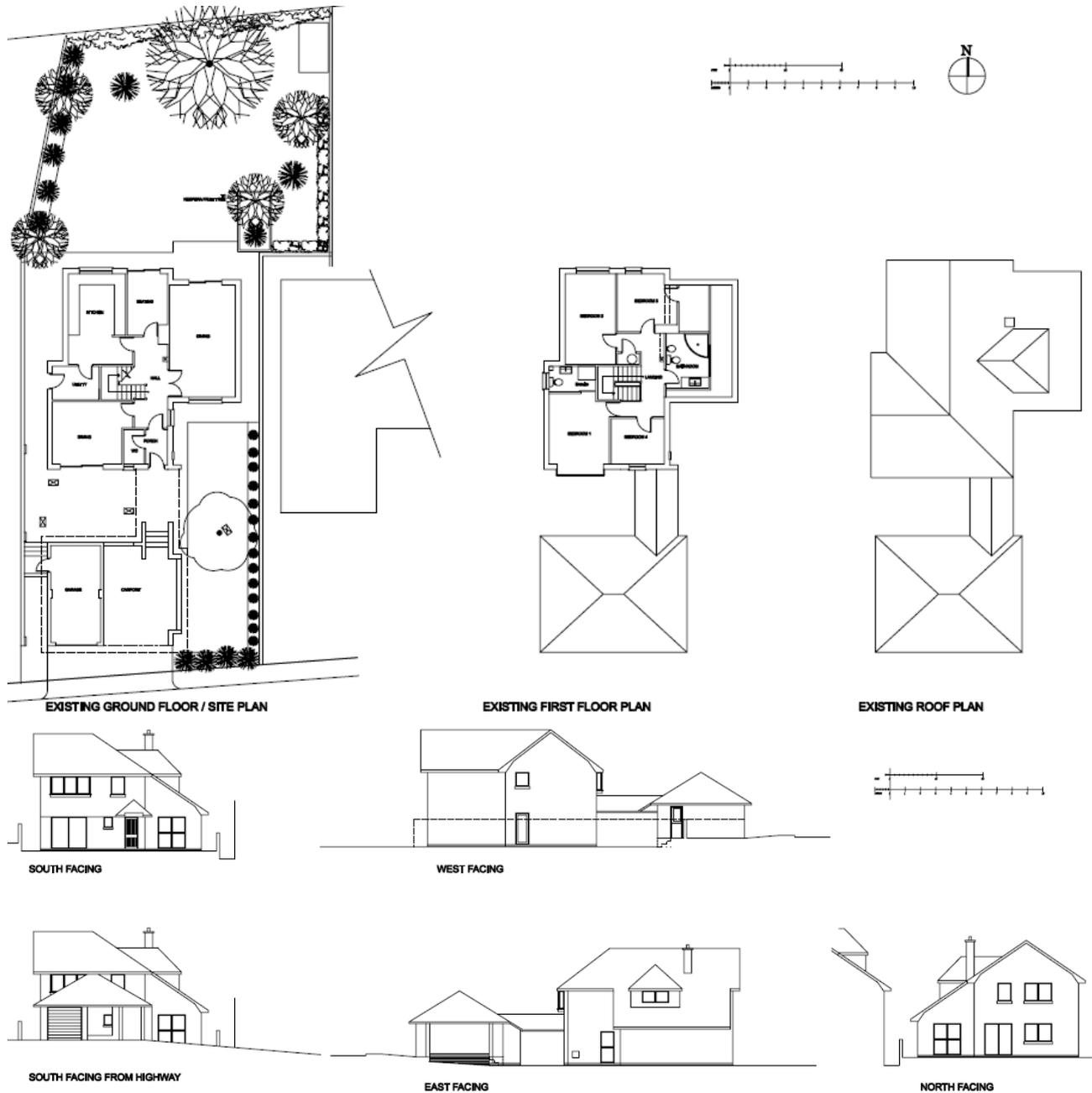
The proposed first floor extension on the front of the property would be approximately 4.2m deep and would have a ridge height approximately 1.1m shorter than that of the ridge on the existing dwelling. This element would be approximately 3.5m wide and would have a matching eaves height with the existing dwelling. Below, the ground floor element would be part covered walkway and part storeroom. The storeroom is located at the rear of the garage and measures 2.2m in depth and 3.5m in width. The storeroom has a flat roof sitting below the eaves height of the garage, from ground level measuring 2.7m.

A two-storey extension is proposed on the south-eastern corner, approximately 3.7m deep and flush with both the front and side elevations of the existing dwelling. The proposed extension would continue the existing roof slope on the eastern elevation with matching eaves and ridge height of the original dwelling.

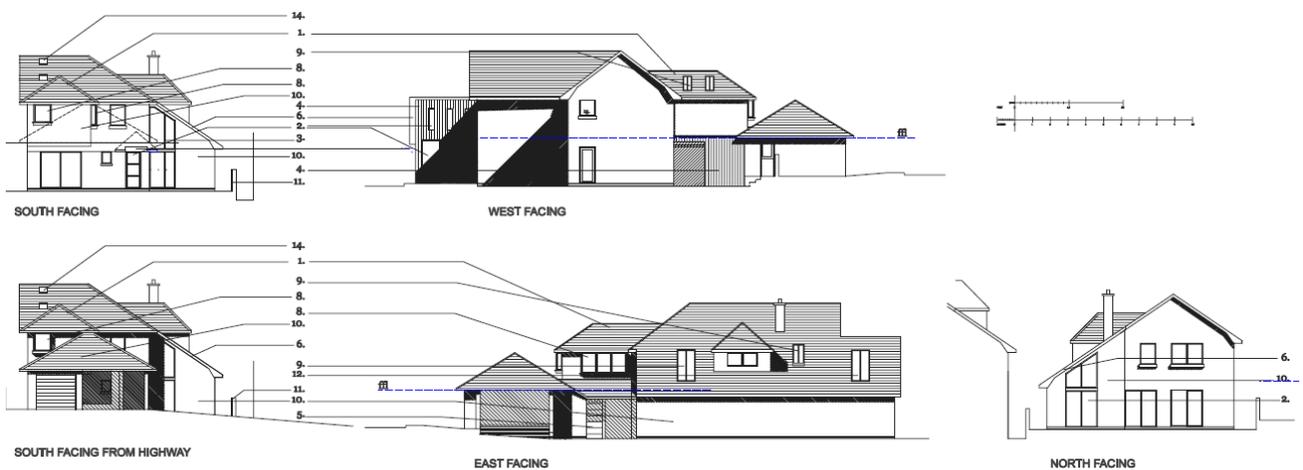
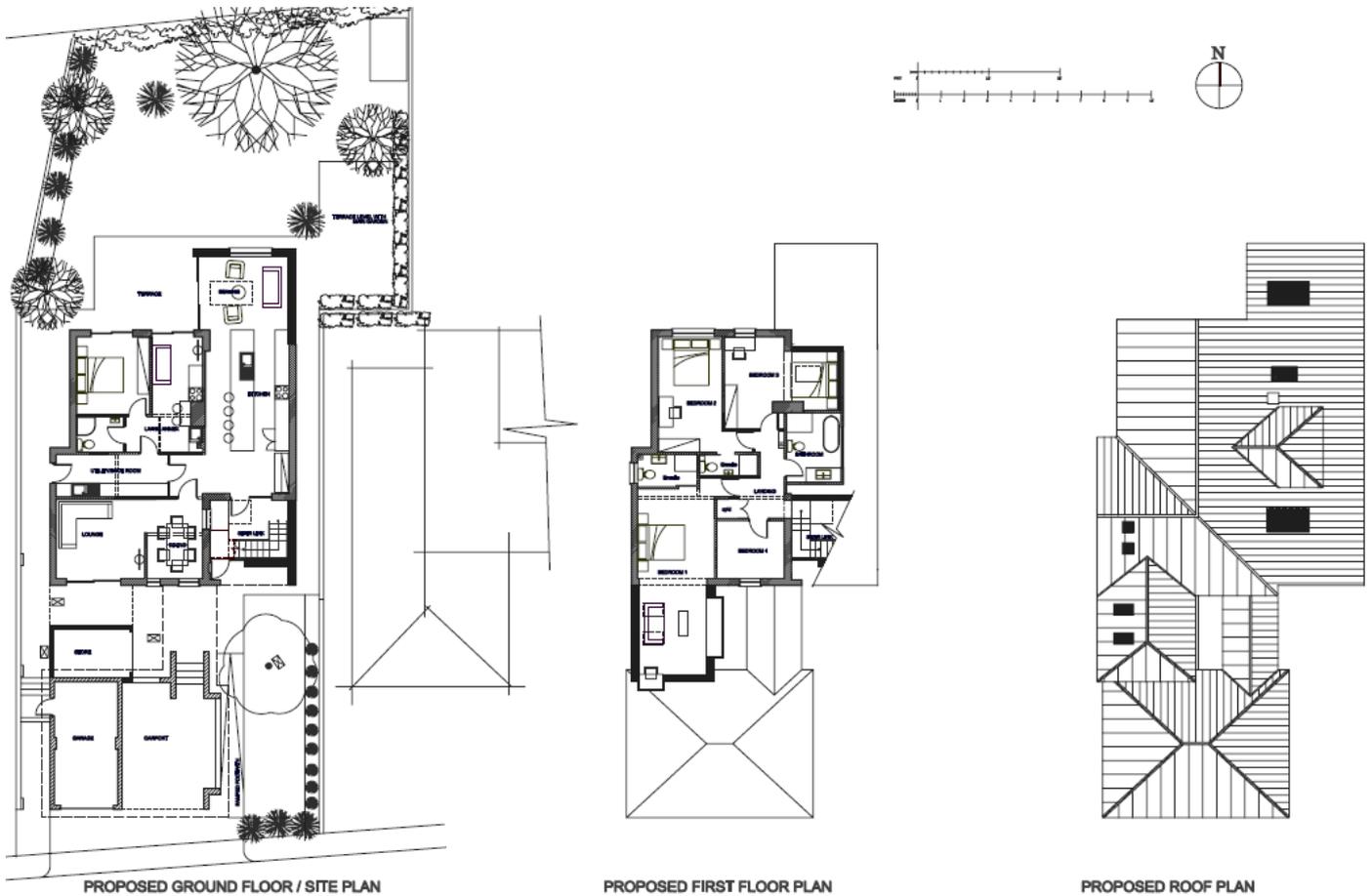
A rear extension on the ground floor would be approximately 3.2m deep and 4.2m in width. The extension measures 2.5m to the eaves and measures 4.8m at maximum height.

A wooden fence to the front of the property on the boundary with 5 White House was originally proposed although this has been withdrawn from the application following discussion with the agent.

Existing

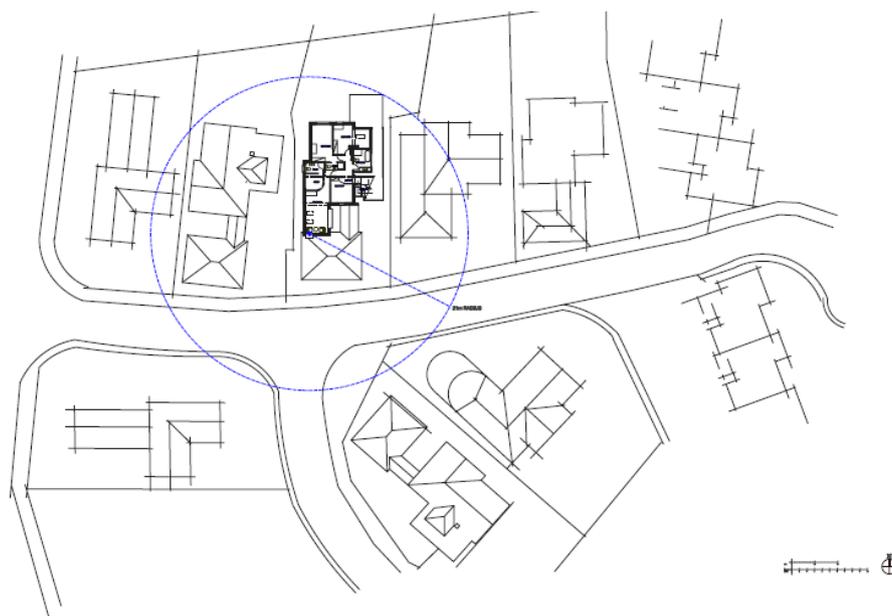


Proposed



- Material Key:**
1. Slate tiles to match existing
 2. Hardwood timber windows and doors to match the existing, painted grey RAL 7023
 3. Timber frame window to match existing
 4. Blackened Larch vertical timber cladding
 5. Sectional door - black.
 6. Timber fascia and soffit to match existing, painted black
 7. Black rainwater goods to match the existing
 8. Projecting window bay to replace the existing
 9. Conservation style window, obscure and non opening
 10. Smooth sand cement render painted white to match the existing
 11. Timber fence same height as the existing boundary wall - to match cladding of main house
 12. Conservation style velux roof lights
 14. Sunpipe
 15. Obscure glazing as existing

Block Plan



PLANNING HISTORY

1981/00627/OUT, Address: The White House, Cold Knap Way, Barry, Proposal: Land to be used for residential purposes (private) erection of 48 luxury flats with associated garage blocks and hard and soft landscaped areas, Decision: Withdrawn

1981/00630/OUT, Address: The White House, Cold Knap Way, Barry, Proposal: Land to be used for residential purposes (private) erection of 24 luxury dwellings with integral garages in grouped landscaped courts, Decision: Approved

1982/01363/FUL, Address: The White House, 24, Cold Knap, Barry, Proposal: Proposed residential development 12 no. dwellings with carports/garages, Decision: Approved

1985/00495/FUL, Address: White House Site, Cold Knap, Barry, Proposal: Residential development, Decision: Approved

1987/00625/FUL, Address: 3, White House, Cold Knap, Barry, Proposal: Erection of a balcony, Decision: Approved

1990/00002/FUL, Address: Land at White House, The Knap, Barry, Proposal: 14 no. linked 2 bedroom and 3 bedroom cottages, Decision: Approved

2007/00099/TCA, Address: 3, White House, Barry, Proposal: Work to trees, Decision: Finally Disposed of

2016/00006/TCA, Address: 3, White House, Barry, Proposal: The removal of a mature Cherry tree located in the front garden of the site. Reason for removal due to excessive root growth damaging the underground drainage, Decision: Approved

2021/00020/FUL, Address: 3, White House, Barry, Proposal: Single and two storey extensions to the front and rear of property, including material alterations, Decision: Refused for the following reasons:

1. By reason of its scale and design, the proposal would result in an incongruous addition to the property that would detrimentally impact upon the appearance and character of the streetscene and wider Conservation Area.
2. By reason of its scale, form, proximity to the boundary with the neighbouring property and projection past the neighbour's front elevation, the proposed extension would result in an imposing and overbearing impact on the neighbour at number 1, White House to such an extent that it would unacceptably impact upon the living conditions of the occupiers.
3. The proposals would result in an unacceptable demand for parking which cannot be provided on site or within the immediate streetscene.

A subsequent appeal against refusal of the application was dismissed by the Inspector.

CONSULTATIONS

Barry Town Council were consulted and commented stating the following:

No objection due to the concerns of the Inspector being addressed (subject to the bathroom on the first floor having obscure glazing).

Baruc Ward Members were consulted, one objection was received from Cllr Steffan Williams, stating the following points:

- The new proposal does not materially differ from the previous application.
- Overbearing nature and loss of light to neighbouring properties.
- Negative impact on conservation area.
- Harmful impact on parking provision from the proposed fifth bedroom.
- Lack of amenity space.
- Harmful overlooking impacts from proposed Velux windows.

The Council's Highway Development Section were consulted and raised 'no objection' with the following points:

- The uplift in bedrooms should not have a material impact on traffic and parking.
- The proposed new annexe should remain ancillary to the existing dwelling of 3 White House.
- There is ample on-street parking availability within the vicinity of the site to mitigate any increase in vehicle movements to/from the site.
- No objection the proposals subject to the following:

The proposed new annexe shall remain ancillary to the dwelling of 3 White House in perpetuity and any changes shall be first approved in writing by the local planning authority.

REPRESENTATIONS

The neighbouring properties were consulted. To date four responses have been received.

One response has been received in support of the application.

The remaining three responses received have been made in objection to the application. A summary of those comments are as follows:

- Harmful impact on the appearance and character of the streetscene.
- Overbearing and overshadowing impact on neighbouring properties.
- Planning application does not address grounds of refusal from previous application.
- Harmful impact on parking from additional bedroom and increased demand for on-street parking.
- Negative impacts on neighbourly privacy.
- Original dwelling house is overdeveloped.
- Harmful impact to the original building line.
- Negative impacts on the health and wellbeing of occupiers and utility of neighbouring properties
- Proposed fence out of context with wider conservation area.
- Proposals do not comply with the '45 degree rule'.
- Concerns that proposal is for a house of multiple occupation.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP10 – Built and Natural Environment

Managing Development Policies:

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD8 - Historic Environment

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

Future Wales: The National Plan 2040:

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

Planning Policy Wales:

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

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

Technical Advice Notes:

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

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

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Parking Standards (2019)
- Residential and Householder Development (2018)
- Trees, Woodlands, Hedgerows and Development (2018)
- Barry Marine Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The primary issues to consider are the potential impact upon the character of the property and the conservation area, as well as the potential impact upon the amenity of neighbouring residential properties.

Background

Number 3 White House has been subject to previous planning application 2021/00020/FUL. This initial application was called in for committee and was overturned from the officers' recommendation for approval and refused on the following grounds:

1. By reason of its scale and design, the proposal would result in an incongruous addition to the property that would detrimentally impact upon the appearance and character of the streetscene and wider Conservation Area.
2. By reason of its scale, form, proximity to the boundary with the neighbouring property and projection past the neighbour's front elevation, the proposed extension would result in an imposing and overbearing impact on the neighbour at number 1, White House to such an extent that it would unacceptably impact upon the living conditions of the occupiers.
3. The proposals would result in an unacceptable demand for parking which cannot be provided on site or within the immediate streetscene.

The planning committees' refusal was appealed by the applicant and then dismissed by the planning inspector (Case Ref: CAS-01460-H4F0F7).

The Inspector refused the application because of harm to the living conditions of residents at 1 White House (the application site). The Inspector stated that the use of a non-opening and obscurely glazed window would cause harm to the applicants living conditions with regards to outlook and ventilation.

The current application is a resubmission for a very similar form of development to that previously proposed albeit with a reconfiguration of the internal floor plans including a rearrangement of the spaces in bedroom 1.

The primary issues considered throughout the application are the potential impact upon the character of the property and conservation area, the potential impact upon the amenity of neighbouring residential properties and the living conditions to the applicants' property in terms of outlook and ventilation.

Design and Visual Amenity

The proposed extensions at the front of the property would be highly visible from the street to the front.

Policy MD2 of the Council's LDP states that development proposals should

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.
2. Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density".

This is echoed in policy MD5 which states that development proposals should be *"of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality"*.

The location of the property within a conservation area also adds additional requirements to ensure that a proposed development does not detrimentally impact upon the character of the conservation area. As stated within Policy MD8 of the adopted LDP, development proposals in such areas should either preserve or enhance the character of the conservation area.

From the previous appeal decision the following comments are of relevance in regard to the character and appearance of the conservation area and street scene at White House.

- The Inspector did not consider the pattern of development as particularly spacious.
- The similarity in the general scale, typology and palette of materials of dwellings on White House contributes to the appearance of a coherent planned development. However, there is little notable consistency in the design of dwellings, with various roof types, patterns of fenestration and design details evident within the streetscape.

1. First floor extension on the front of the property.

The proposed first floor extension on the south-western corner of the property would project past the existing first floor front elevation by approximately 4.2m and would have a matching eaves height with the existing dwelling. However, the proposed ridge would be approximately 1.1m shorter than that on the main dwelling. The front elevations of the properties situated within White House are of a mixed style. It is notable that there is not a particularly clear and consistent 'building line' along the street, with the series of front elevations being staggered from one another with several garages/car ports to the front.

The proposed plans for the front extension in terms of scale and massing are the same as proposed within the previous (2021/00020/FUL) submission. The appeal decision states the following regarding this front extension:

Whilst it would be visible from White House, its limited width, hipped roof form and subordinate ridge relative to the main roof would mitigate its prominence within the

street scene, and it would not unacceptably reduce notable gaps in built form, including at first floor and roof level. The extension's roof form would reflect that of the garage and would be comfortably contained within the existing pitched and gabled roof form. From several viewpoints much of the front extension would be well screened by the garage/car port positioned to its fore, and it would not break any clearly established front building line. Its siting to the rear of the garage would also assist in reducing its apparent bulk and mass from the street, with cladding on part of the flank walls providing elevational interest.

The Inspector concludes the following:

Due to the site context and the sensitive design of the front extension, it would not harm the character or appearance of the vicinity.

The extension is commensurate with that proposed under the previous application. Noting the staggered nature of the property frontages and mix in design of the front elevations and the comments received by the Inspector, it is considered that the proposed extension, while visibly altering the front elevation, would not be out of context with the remainder of the street and would not appear visually incongruous by reason of its depth and size.

2. Two storey in-fill extension on the south-eastern corner.

The two-storey extension is of the same design as previously submitted within planning application (2021/00020/FUL). Because of this, the comments from the Inspectors' report are of relevance. The Inspector states that the proposed extension has a "*discreet profile of which would reflect that of an existing projecting element of the appeal property*". The Inspector also compliments the flush design with the front elevation and concluded that this extension would "*read as a complementary and subsidiary element of the dwelling as a whole*".

Noting the above, the proposed south-eastern two storey front extension is considered to be of a modest scale and would be sympathetic to the style and character of the existing property, with matched eaves height and material finishes. It is therefore considered that this element would be subservient and would not adversely affect the character of the dwelling or conservation area.

3. Boundary Fence

The original plans for the application included the retention of a horizontal 1.3m high fence alongside the boundary with number 5 White House. As noted within the appeal report, the planning inspector considered the proposed fence to fail to preserve the character of the conservation area. The amended plans show the removal of this fence.

4. Rear single-storey extension

The proposed rear extension would be partially visible from the streetscene. The modest height, positioning and general design is in character with the dwelling as a whole. The proposed material finish in blackened larch cladding would complement the overall modern design and slate roofs of the surrounding properties. Overall, it is considered that the rear extension is acceptable in terms of design and scale.

The comments from the neighbour objections as well as those comments received from Cllr Steffan Williams regarding design have been taken into consideration. In particular, objections have been raised in respect of an asserted failure to comply with the Council's Residential and Householder Development SPG. While this SPG is a material consideration, it is guidance and cannot be applied in a 'blanket' way to all proposals and for the above reasons the design of the proposed extensions is considered to be acceptable. In particular, objections centre around the disregard for the building line, and this is outlined below.

The concerns raised over the building line are in regard to the front two storey extension. In this case the councils residential and householder development SPG states the following in section 8.7.2 in relation to front extensions:

ii. Two storey developments will in many cases not be acceptable; however this will depend on the context of the site.

Whilst the proposal does include a two-storey element, key to the application is the different '*context of the site*'. As previously acknowledged, the appeal decision confirms that there is '*little notable consistency in the design of dwellings, with various roof types, patterns of fenestration and design details evident within the streetscape.*' It is considered in the context of White House that there is no clear building line. For this reason and the relevant context of the site at White House, the proposed front extension is considered acceptable and is therefore consistent with the aims and guidance in this SPG.

Subject to appropriate conditions, the proposal would accord with the design and conservation objectives of LDP policies MD2, MD5, MD8 and SP10, which amongst other things seek to preserve or enhance the character or appearance of Conservation Areas, and with the general aims of the Council's CAAMP and 'Residential and Householder Development' SPG.

Amenity Space

The Council's approved supplementary planning guidance (SPG) requires 20sq.m of amenity space per person and states that a 3+ bedroom property would be likely to have 4 people occupying it, thus requiring 80sqm. It also states that the amenity space should be mostly private garden. In this instance, there would be approximately 15sq.m lost in the rear garden as a result of the extension – leaving an approximate total of 175sq.m as private amenity space at the rear. At the front, there would be approximately 51sq.m of amenity space remaining, a loss of approximately 11sq.m. Having regard to this, the proposal is compliant with the SPG and there is sufficient amenity space to serve the needs of occupants of the dwellinghouse.

Parking

The existing property has a carport and single garage located at the property. The proposal would have no impact on either. The existing property has 4 bedrooms. The application proposes the addition of a living annex raising the number of bedrooms to 5. The Council's parking SPG recommends there should be a maximum requirement for 3 spaces. The Council's Highways Department were consulted on the proposal and concluded that there is ample on-street parking availability within the vicinity of the site to mitigate any increase in vehicle movements to and from the site. To mitigate against any harmful future impacts, the Highways department has requested a condition to be attached

to any consent given for the annex to remain ancillary to the host dwelling. Officers consider that the annex accommodation is integrated within the dwelling and would not be easily divisible. In any event the independent use of the annex as a self-contained dwelling would require planning permission in its own right and to this end, it is not considered necessary to attach a condition for this purpose.

Noting the above comments and the availability of on-street parking, the proposed level of parking is acceptable.

Trees

The proposal would result in the loss of a tree in the rear garden and given the location within a conservation area, it is protected. However, the tree is modest in scale and limited in prominence, and it is considered that its loss would have a negligible impact on the character of the conservation area.

Impact on Neighbours

To the rear, the proposed single storey rear extension would be located approximately 9.5m away from the boundary of the neighbour at number 5, Cold Knap Way, which owing to the extensions relatively modest mass and bulk is considered a sufficient distance to ensure no detrimental impacts.

The proposed ground floor extensions would have windows offering views towards neighbours. However, given their ground floor nature, no detrimental overlooking would occur from these windows.

1 White House

The proposed first floor extension on the front elevation would be located approximately 1m away from the boundary to this neighbour. The neighbour's dwelling is located a further 2-2.5m away from the boundary and is angled, albeit very slightly, away from the application dwelling. Facing number 1 White House, the application proposes two Velux roof lights serving the bedroom. Further to this, a window is proposed on the front elevation of the extension facing the streetscene.

The neighbour has raised strong objections regarding the harmful privacy impact from the proposed west facing Velux windows. It should be noted that the neighbour has a living room window on the front elevation. These proposed rooflights are situated approximately 2.7m from finished first floor level. As the Velux windows are proposed to sit above 1.7m of the internal first floor level, the windows are considered to not result in any unreasonable overlooking towards this neighbour.

It is of note that the principal reason for dismissing the previous appeal, was the Inspector's concern with regard to the outlook from the side facing bedroom window and conflicting requirements of future users of that room and privacy implications for occupiers of No 1. The current proposals have amended the layout of the first floor and 'Bedroom 1' to ensure that it is served by suitable openings that do not result in similar conflicting issues in terms of outlook and privacy as previously. The existing side facing bathroom window within the property will serve an en-suite rather than being the principal window to a habitable room as proposed under application 2021/00020/FUL. Given this window is

shown to be obscure glazed to serve a non-habitable room, there is no objection and it is considered the principal concerns of the Inspector have been suitably addressed.

The neighbour has also raised strong objections regarding the harmful overbearing and outlook impacts from the proposal. The proposed extension will alter the outlook from south and east facing windows to some degree as well as from the front/side garden. In consideration of the previous appeal, in consideration of the impact upon No 1, the Inspector states:

'The most marked visual effect would be some reduction in sky views and there would also be a moderate enclosing effect on the front/side garden space. However, views of the proposed front extension from French windows serving No 1's living room would be oblique rather than direct, with a largely open aspect retained to the south and a second aspect obtained from rear-facing windows. Direct views of the extension would be experienced from an east-facing ground floor window in No 1, but as that does not serve a principal living space the magnitude of the visual effect would be lessened as a result.'

The proposed extension would be located approximately 3-3.5m away from the side elevation. Whilst the extension would have a closer relationship with both the front garden and the neighbouring dwellinghouse, given the subservience of the extension and its relatively modest depth, it is considered that the extension would not appear as unacceptably overbearing. Whilst the impact upon the front garden is considered, it is noted that the rear garden providing the primary area of amenity space would not be affected by the extension and remains as a sufficient amenity space for the residents at number 1 White House.

The Inspector concludes that because of the extension's hipped roof and set-down ridge, the front extension would *'avoid any harmful overbearing on No 1's side/garden area'*. It is therefore considered that whilst the proposal would be visible from number 1 White House, any impacts are not considered unacceptably detrimental to neighbouring amenity of its occupiers.

The neighbour has also objected to the application in relation to a loss of light and overshadowing as a result of the proposed front extension. The location of the application site to the east / south-east may result in a degree of loss of light and overshadowing impacts for a limited duration during the early morning hours within principal living spaces and the side/garden area. However, any such impact would not be significant (given the orientation) and the development is considered to be sufficiently spaced from the neighbour to ensure that there would not be a significant natural daylight impact. This echoes the conclusions of the Inspector who states that the proposed extension would *'not amount to an unacceptable interference with adjacent occupants' living conditions.'* Whilst it is considered that there would be a minimal shadowing impact on the property at number 1 White House, the degree of this is deemed acceptable.

Having considered all of the above, it is considered that the proposals would not result in unacceptable detriment to the amenity of occupiers of No 1 White House.

5 White House

It should be noted that there is a ground level variation between the application site and this neighbour and as such, the neighbouring property at No 5 is slightly lower than the application site.

The neighbour has raised strong objections regarding potential for harmful privacy and overlooking impacts. The application proposes 3 Velux windows facing this neighbour. The first rooflight serves a hallway. This window is proposed to serve a non-habitable room but due to the low height level above first floor level is proposed to be obscurely glazed and non-opening. In order to ensure these glazed and non-opening features will be conditioned (see condition 3). This will ultimately reduce the potential for any direct overlooking into the property at number 5 White House. The second rooflight serves bedroom 3, this rooflight is proposed to be non-opening and obscurely glazed, the Council proposes this to be conditioned to ensure no potential for any overlooking impacts from this opening (see condition 4).). The third Velux window is proposed within the roof plane of the rear extension. This rooflight is located approximately 3.3m from ground level, this significant distance from ground level ensures no potential for overlooking impacts to the rear garden.

The proposed first floor front extension in the south-western corner would have a side elevation window on the first floor serving a bedroom. The proposed side facing window would be located approximately 7.5m away from the boundary and whilst views would be offered towards this neighbour, given the nature of these views towards the front of the property (views that are already visible within the public domain), such views would not be harmful to the privacy and living conditions of the neighbour. This is reiterated within the previous appeal decision that states:

'Whilst a side-facing window serving a first floor bedroom in the front extension would face towards No 5's front garden, this amenity space is already visible from the public realm.'

The neighbour raises that the proposed window on this extension 'directly looks at our ensuite bathroom and shower.' Due to the angle of the proposed window relative to these openings and relationship with the proposed two storey front extension, it is considered that there would be limited potential for overlooking into these windows from this proposed window and not to a degree to warrant refusal of planning permission.

The neighbour has also raised strong objections regarding the harmful overbearing and outlook impacts from the proposal. The proposed height to the eaves would be approximately 2.4m, gradually rising to match the height of the existing roof. This neighbour has doors on the side elevation and a narrow pathway between the side elevation and the boundary. The outlook would be altered, however, given the modest height to the eaves; the slope of the roof away from the neighbour; the secondary nature of windows within the adjacent side elevation and use of the area adjacent to the extension (side access path), it is considered that this element of the proposals would not result in unacceptable impact upon the outlook enjoyed by occupiers of No 5.

The neighbour has a first floor bathroom window fronting the application site. Within their decision, the Inspector notes that whilst the front/side extensions would be situated in close proximity to the boundary of No 5 White House, the low eaves of the extended roof slope would considerably lessen any impacts on the neighbouring property. The report goes on to state that despite the close proximity to the boundary, *'an acceptable outlook would be retained, including from west-facing windows and doors and that property's side passage.'* Noting the above, it is considered that the proposals would not result in unacceptable harm to the outlook enjoyed by occupiers of No 5.

The proposed rear extension would be located approximately 1m away from the boundary to this neighbour at its closest point. The proposed extension would alter the outlook for this neighbour from their rear elevation and garden as the proposed extension does extend beyond No 5's rear elevation. The ridge height for this extension would be approximately 5.9m in height – however, the tallest section of the extension is located approximately 5.5m away from the boundary. Therefore, given the modest height to the eaves and the slope of the roof away from this neighbour, it is considered that despite the difference in levels previously noted the rear extension it would not result in an unacceptable impact in terms of outlook or light on this neighbour. This is also stated within the appeal decision where the Inspector states that the *'modest height and sloping roof would ensure that unacceptable overbearing effects would not arise to the rear of No 5'* whilst with respect to loss of light they state *'a negligible impact on the enjoyment of that property's rear amenity area or on main living spaces.'*

7 White House

The property at number 7 White House objected to the proposal on overlooking impacts from the proposed Velux windows. This is because the 'land level falls towards the sea'. Whilst there is a moderate difference in height levels between the applicant's property and number 7 White House, the properties are separated by both number 3 White House and a 21m distance. As such, it is considered that there is sufficient distance between these properties for any unneighbourly impacts.

Noting all of the above, it is considered subject to conditions, that the proposals would not result in unacceptable impact upon the amenity enjoyed by occupiers of neighbouring residential properties and as such would comply with Policies MD2 and MD5 that seek, amongst other things, to protect the amenity of neighbouring residential properties.

Other Issues

The neighbour comments refer to the need to provide further clarity of issues concerning construction methodology and disruption. Regarding disruption, the impacts are considered to be temporary in nature and unlikely to be significant in magnitude. In terms of construction methodology, as this is a householder planning application this is not required as a material planning consideration.

Neighbour comments also include objections to the proposed use of the extended dwelling as a house of multiple occupation (HMO). Although the proposals look to provide annexed accommodation, the application has not been submitted for a change of use to HMO and there is no evidence to suggest that this is the case. As such this does not represent a reason to refuse planning permission in this instance.

It is noted that occupiers of neighbouring dwellings have requested that the Council undertake an assessment of light impacts using the BRE '25 degree rule' and '45 degree rules' in terms of daylighting. Firstly, these are not formally adopted as best practice within adopted Council policy or guidance. In any event, it is considered that the above report above provides a robust assessment of potential impacts upon light to neighbouring residential properties that are consistent with consideration of a commensurate scheme by an Inspector. As such the absence of any such assessment does not represent reason to refuse planning permission in this instance.

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:

AE 01 rev5.pdf - Amended Proposed Elevations - Submitted to the LPA on 24/05/2022

AL 01 rev5.pdf - Amended Proposed Floor Plans - Submitted to the LPA on 24/05/2022

Reason:

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

3. The roof-light located in the East facing elevation serving the proposed first floor stairway shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

4. The roof-light located in the East facing elevation serving 'bedroom 3' shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

5. The rooflights approved shall be conservation style rooflights and should be retained as conservation style rooflights in perpetuity.

Reason:

To protect the wider conservation area and to comply with policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Council's Local Development Plan.

6. The render and slate to be used in the construction of the external surfaces of the extensions shall match those used in the existing dwelling that exist at the time of this approval.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), 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 Policy SP1 –delivering the strategy, SP10 – Built and Natural Environment, Policy MD 2 – design of new development, Policy MD 5 – development within settlement boundaries and MD8 – Historic Environment of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the advice contained within the Council's Supplementary Planning Guidance on Residential and Householder Development and Parking Guidelines, Planning Policy Wales 11th Edition, Technical Advice Note 12- Design, the Welsh National Marine Plan (2019) and Future Wales – the National Plan 2040, Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 the development is considered acceptable in terms of its scale, design, impact on conservation area, impact on neighbours, parking and impact on amenity space provision.

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:

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.

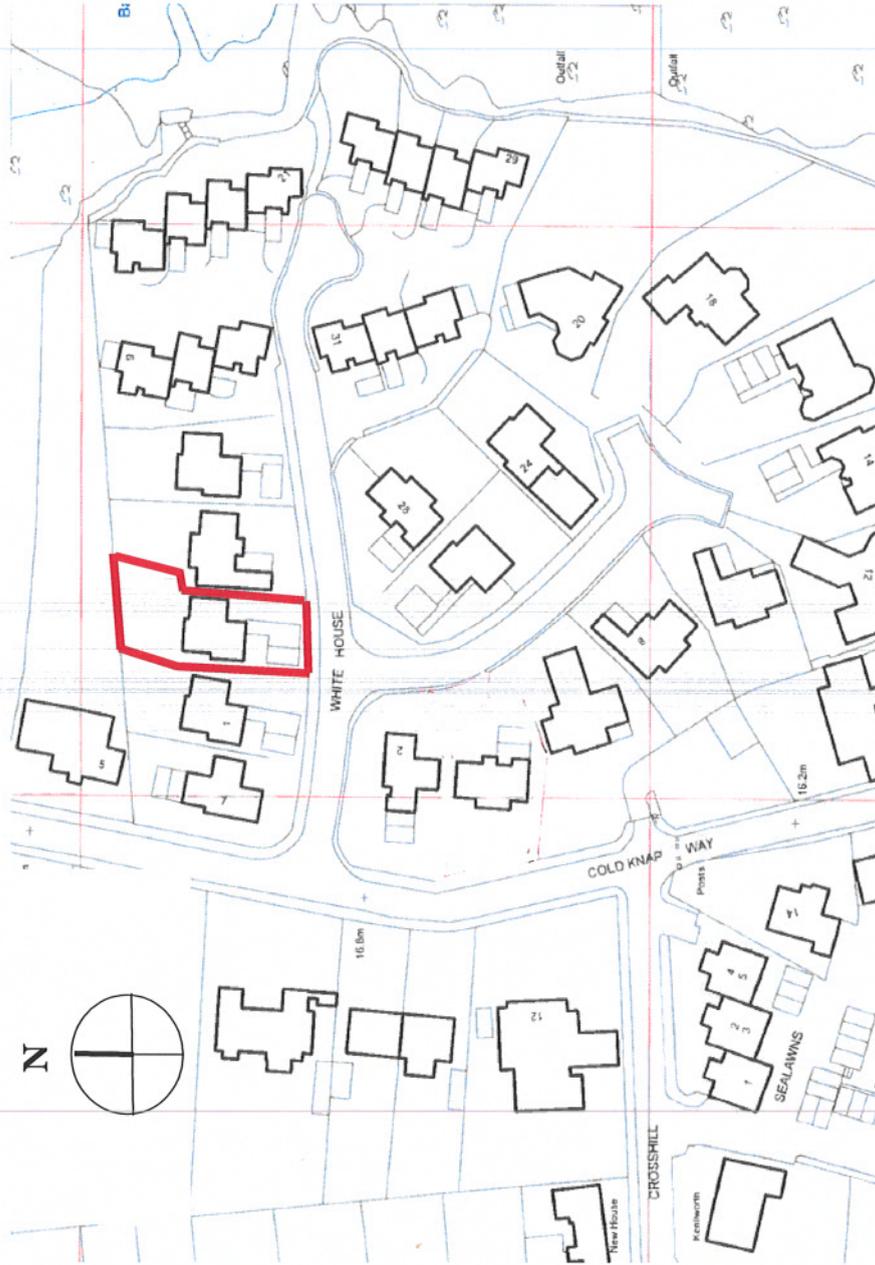
In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

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.

January 2021

3 White House – Location Plan



LOCATION PLAN 1:1250

