

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 27 JULY, 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:

2021/0189/BN	A	47, Greenfield Avenue, Dinas Powys, CF64 4BX	Rear extension plus loft conversion
2021/0475/BN	A	1, Sunnyside Cottage, Beggars Pound, St Athan, CF62 4PB	two storey side extension and front porch
2021/0841/BN	A	5, Railway Terrace, Penarth, CF64 2TT	Two knock throughs
2021/0900/BN	A	Cross House, Clawdd Coch, Pendoylan. CF71 7UP	Proposed alterations and extensions to existing property
2021/0958/BN	A	Stepaside, River Walk, Cowbridge, CF71 7DW	Orangery 4 x 6.6m
2022/0001/RV	A	Greenway Lodge, Bonvilston, CF5 6TR	New dwelling (from first floor joists to completion)
2022/0003/PV	A	PENDING Orchard Cottage, Fontygary Road, Rhoose, CF62 3DU	PENDING Construction of balcony on first floor of front elevation
2022/0010/PO	AC	139, Oakridge, Thornhill, Cardiff, CF14 9BW	Two storey side and rear extension and single storey rear extension
2022/0012/PO	AC	Mount Pleasant Baptist Church, Tabor Road, Maesycwmmmer, Hengoed, CF82 7PU	Single storey extension to side, rear knock through and new internal wall, new floor over vestry
2022/0013/PO	AC	78, Melrose Avenue, Penylan, Cardiff, CF23 9AS	Single storey rear extension

2022/0064/BN	A	32, Millbrook Heights, Dinas Powys, CF64 4JJ	Single storey rear extension
2022/0214/BN	A	Orchard Lodge, Orchard Close, Boverton, Llantwit Major, CF61 1UZ	Installation of through floor lift in private dwelling
2022/0287/BR	AC	20, Clive Place, Penarth, CF64 1AY	Two number single storey extensions, Internal alterations, renewal of thermal elements and new windows
2022/0311/BN	A	26, Cwrt Y Vil Road, Penarth, CF64 3HP	Single storey rear extension, loft conversion, new garden room plus associated works
2022/0339/BN	A	Priory House, Leckwith Road, Llandough, CF64 2LY	Single storey extension with raised ceiling and reconfiguration of interior walls
2022/0346/BR	AC	Springside, Llanmaes, Llantwit Major, CF61 2XR	Single storey rear extension and Part garage conversion with flat to pitch roof
2022/0347/BR	AC	13-15. Tennyson Road, Penarth, CF64 2RY	Structural alterations to ground floor
2022/0349/BN	A W	4, Flanders Meadow, Llantwit Major, CF61 1QZ	Single storey rear extension
2022/0353/BN	A	2A, Elfed Avenue, Penarth, CF64 3LX	Two storey side extension with connected single rear extension
2022/0354/BR	AC	Rivendell, Broughton Road, Wick. CF71 7QH	Demolition of garage and construct a new Two storey extension to the side and rear of the property.
2022/0355/BN	A	38, Wordsworth Avenue, Penarth. CF64 2RL	Loft conversion
2022/0356/BN	AC	Stanwell Comprehensive School, Salisbury Avenue, Penarth, CF64 2XL	The construction of new 2 storey Resource block in the existing school site
2022/0357/BN	A W	21, Highwalls Avenue, Dinas Powys, CF64 4AP	Single storey extension

2022/0358/BN	A	9, Old Village Road, Barry, CF62 6RA	Knock through
2022/0360/BN	A	Pencoedtre Farmhouse, Pencoedtre Lane, Barry, CF63 1QF	Double and single storey rear extensions to rear
2022/0361/BN	A	29, Hawthorn Road, Barry, CF62 6LE	Loft conversion no dormer
2022/0362/BR	AC	4, Carys Close, Penarth, CF64 3RD	Internal alterations to existing bungalow building. Demolition of an existing detached residential garage. Construction of a detached studio flat within the grounds of a supported living property, offering the tenant experience of independent living within a supported environment.
2022/0363/BN	A	68, John Batchelor Way, Penarth, CF64 1SD	Balcony and bi fold doors to front elevation at first floor
2022/0364/BN	A	44, Crossways Street, Barry, CF63 4PQ	Re-roof
2022/0365/BN	A	3, Coleridge Avenue, Penarth, CF64 2SP	Loft extension with dormer
2022/0366/BN	A	21, Elm Grove Road, Dinas Powys. CF64 4AA	First floor extension plus loft conversion and associated works
2022/0367/BN	A	48, Porthkerry Road, Rhoose, CF62 3HD	Single storey rear extension attached to house 7m x 3.5m, associated steel works to create open plan
2022/0368/BN	A	31, Herbert Street, Barry. CF63 1EA	Re roof
2022/0369/BN	A	36, Park Crescent, Barry. CF62 6HE	Single storey extension to extend the kitchen
2022/0370/BN	A	5, Nailsea Court, Sully, CF64 5SQ	Single storey extension to rear and side

2022/0371/BN	A	13, Thaw Close, Fontygary, Rhoose, CF62 3FX	Conversion of conservatory to single storey extension
2022/0372/BR	AC	41, Pant-Y-Celyn Road, Llandough, Penarth. CF64 2PF	Conversion of loft to provide additional bedrooms and bathroom
2022/0373/BR	AC	21, Afal Sur, Barry, CF63 1FX	Front and rear dormer loft conversion
2022/0374/BN	A W	59B, South Road, Sully, CF64 5SL	Proposed single storey rear extension to form family room and proposed home office/gym to rear of garden
2022/0375/BN	A	135, Windsor Road, Penarth, CF64 1JF	Knock through
2022/0376/BR	AC	23, Berkley Drive, Penarth, CF64 3DW	First floor extension over existing single storey extension
2022/0377/BR	AC	33, Murch Road, Dinas Powys, CF64 4RD	Single storey rear extension
2022/0378/BN	A	White Lodge, Cross Common Road, Dinas Powys, CF64 4TQ	Single Storey rear extension, 1 new window, insertion of steel beam, thermal upgrade of loft insulation.
2022/0379/BR	AC	13, Countess Place, Penarth, CF64 3UJ	Single storey rear extension and internal remodelling works
2022/0380/BN	A	9, Ashby Road, Sully, CF64 5SH	Knock through, extend and fit new door and window to rear of house
2022/0381/BR	AC	Land at Lower Cosmeston Farm, Lavernock	Proposed New Specialised School and associated works
2022/0383/BN	A W	23, Cedar Road, Eglwys Brewis, CF62 4JT	Single storey extension
2022/0384/BR	AC	Duffryn Lloft Farm, Tredodridge, CF71 7UL	Two storey extension
2022/0385/BN	A	11, Somerset Road East, Barry. CF63 1BG	Knock through merging the dining room and kitchen.

2022/0386/BN	A	135, Redlands Road, Penarth, CF64 2QP	Loft conversion with dormer
2022/0388/BN	A	39, Broadway, Llanblethian, Cowbridge. CF71 7EX	Single storey extension to rear of property to enlarge kitchen area and two storey extension to side of property
2022/0390/BN	A	Hollintop, St Lythans Road, St Lythans, CF5 6BQ	Cut and prepare aperture for Stannah through floor lift for disabled person.
2022/0391/BN	A	23, Trem Y Bae, Penarth, CF64 1TG	Single storey rear kitchen extension, first floor side extension and internal alterations
2022/0392/BN	A	99, Cornerswell Road, Penarth, CF64 2UY	Removing internal wall, installing bi-fold doors and rebuilding utility room and refit kitchen
2022/0393/BN	A	25, Sandringham Close, Barry, CF62 8BD	Single storey extension to front
2022/0394/BN	A	Summerfield, Parc Newydd, Treoes. CF35 5DL	Removal of two walls and installation of two steels
2022/0395/BR	AC	55, Murch Road, Dinas Powys. CF64 4RD	Single storey rear extension, toilet to first floor and Juliette balcony
2022/0397/BN	A	15, Clinton Road, Penarth, CF64 3JD	Single storey first floor extension
2022/0398/BN	A	5, Tan y Fron, Barry, CF62 6QQ	Removal of existing porch, new porch and shower room extension.
2022/0399/BN	A	The Croft, Heol Y March, Bonvilston, CF5 6TS	Two storey side extension (see proposal on app)
2022/0400/BN	A	Chestnut Tree House, Greenfield Close, Spitzkop, Llantwit Major, CF61 1AS	Single storey rear extension 12m2
2022/0401/BN	A	30, Eagle Road, St. Athan, CF62 4NR	Single storey kitchen extension
2022/0402/BR	AC	The Old Rectory, Llangan, CF35 5DW	Proposed orangery to rear of property

2022/0403/BR	AC	White Crofts, Drope Road, St. Georges Super Ely, CF5 6EW	Internal structural alterations
2022/0404/BR	AC	24, Powys Gardens, Dinas Powys. CF64 4LP	Two storey side extension to existing semi detached house
2022/0405/BN	A	10, Forrest Road, Penarth. CF64 5BT	2 rooms into 1, new insulated floor (concrete) and re wire kitchen
2022/0406/BN	A W	The Old Forge, Ewenny Road, St. Brides Major. CF32 0SB	New dwelling
2022/0407/BR	AC	58, Llanmead Gardens, Rhoose. CF62 3HX	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
2022/0408/BN	A	Morlanga Farm, Peterston-Super-Ely. CF5 6LZ	To build a rear double storey and single storey extension consisting of study, bathroom, utility room and tack room on ground floor and bedroom and bathroom on first floor plus creating 2 openings in side elevation of existing property. The conversion of an existing store room to a habitable room and the removal of a staircase
2022/0409/BN	A	1A, Machen Street, Penarth. CF64 2UB	Removal and replacement of corroded steels
2022/0410/BR	AC	130, Colcot Road, Barry. CF62 8UH	Demolition of existing garage and construction of single storey extension to the rear of the property.
2022/0411/BR	AC	26, Heol Yr Ysgol, St Brides Major. CF32 0TB	Single storey extension to rear of property and side (over existing garage) with Juliet balcony to front. White cedar cladding to exterior of property

2022/0412/BN	A	1, Llys Y Coed, Barry. CF62 6LU	Single storey extension
2022/0413/BN	A	43, Stanwell Road, Penarth, CF64 3LR	Removal of rear utility, removal of rear wall and fitting new sliding doors to rear, replacement of side window with full length window/door , removal of chimney breast in kitchen, replacing UpVC windows and fitting of new roof light to side aspect of property
2022/0414/BR	AC	South Lodge, Marine Parade, Penarth, CF64 3BG	Internal alterations to create ice cream parlour
2022/0416/BN	A	37, Beaufort Way, Rhoose, CF62 3BU	Single storey extension with guardian warm roof
2022/0417/BR	AC	32, South Road, Sully, CF64 5TG	Remodelling of existing dwelling, including two storey side and rear extension plus associated works
2022/0418/BN	A	94, Stanwell Road, Penarth, CF64 3LP	Remove existing man- made slate roof coverings and renew using new fibre cement slates, including new underlay, battens, accessories and leadwork.
2022/0419/BN	A	9, Belle Vue Terrace, Penarth, CF64 1DB	Dormer to existing loft conversion
2022/0420/BN	A	22 Woodlands Road, Barry, CF63 4EF	Removal of wall between dining room and kitchen room
2022/0421/BR	AC	Ysgol Sant Curig, College Road, Barry, CF62 8HQ	New porch to form a thermal element
2022/0422/BR	AC	Holmlea, Chapel Road, Broughton, CF71 7QR	Wet room and installation of steel beam - Disabled works
2022/0423/BN	A	76, Minehead Avenue, Sully, CF64 5TL	Knock down of an interior wall

2022/0424/BN	A	11, Heol Pentre'r Felin, Llantwit Major, CF61 2XS	Two rooms into one
2022/0426/BN	A	16, Lord Street, Penarth, CF64 1DD	Removing existing pitched roofs and replacing with flat roof to create roof terrace with guarding. Alterations to windows/doors on ground floor.
2022/0427/BN	A	Cwrt Newydd, Welsh St Donats, CF5 6TS	First floor extension to create a bathroom
2022/0428/BN	A	Mowhay, St Brides Major, CF32 0TN	Replacement of all external doors and windows
2022/0429/BN	A	3, Hastings Avenue, Penarth, CF64 2TE	Loft conversion with dormer
2022/0430/BN	A	21, Park Road, Barry, CF62 6NW	Re-roof
2022/0431/BN	A	19, Park Road, Barry, CF62 6NW	Re-roof
2022/0433/BN	A	47 Victoria Road, Barry, CF62 6PG	Single story extension to enlarge kitchen
2022/0434/BR	AC	2, The Broad Shoard, Cowbridge, CF71 7DB	Two storey rear extension and single storey side extension
2022/0435/BN	A	Bryn Eglwys Barn, Monknash, CF71 7QQ	Store conversion to holiday let
2022/0436/BN	A	Upper Barn, Southra, Dinas Powys, CF64 4DL	Enlarge existing patio doors
2022/0438/BN	A	56, The Pastures, Barry, CF62 9ET	Installation of log burner
2022/0439/BN	A	15, Fairfield Road, Penarth. CF64 2SN	Proposed rear and side single storey extension
2022/0440/BN	A W	188, Redlands Road, Penarth. CF64 2QS	Single storey extension to enlarge kitchen and small downstairs toilet to bathroom
2022/0442/BN	A	1, Dannog Y Coed, Barry, CF63 1HF	Single storey extension for disabled use.

2022/0443/BN	A	26, Salop Street, Penarth, CF64 1HH	Loft conversion with dormer
2022/0445/BR	AC	Coed House, Coed Yr Odyn, Barry, CF62 6NY	Rear single storey extension and internal alterations including a new staircase.
2022/0446/BN	A	57, Andover Close, Barry, CF62 8AG	Internal alterations two steels and form a new bathroom on first floor
2022/0447/BN	A W	5, Badgers Brook Close, Ystradowen, CF71 7TY	Rear storey single extension
2022/0448/BN	A	35, Sandringham Close, Barry, CF62 8BD	Full roof replacement on conservatory (no other changes/alterations to conservatory)
2022/0449/BN	A	41, Coleridge Avenue, Penarth, CF64 2SQ	Loft conversion with dormer
2022/0450/BN	A	25, Clos Yr Wylan, Barry, CF62 5DB	Installation of RSJ
2022/0451/BN	A	4, Eithinen Ber, Barry, CF63 1FY	Garage conversion
2022/0452/BR	AC	Kingscombe, Llanmihangel Road, Llanblethian, Cowbridge, CF71 7JA	Single storey rear extension to create boot room; internal structural modification to link kitchen and dining room
2022/0453/BR	AC	Sycamore Cottage, Llanbethery, CF62 3AN	Remodelling of an existing two storey dwelling, including demolition of an existing front conservatory, new porch and dormer loft extension with balcony to rear. All roofs, windows and doors to be replaced. Elevations re-rendered.
2022/0456/BR	AC	133, Lavernock Road, Penarth, CF64 3QG	Extensions and alterations to existing detached single family dwelling
2022/0459/BR	AC	Tamarind House, Crossways, Cowbridge. CF71 7LJ	Single storey extension to front and rear with minor internal re-arrangement

2022/0461/BR	AC	3, Church View Close, Llandough, Penarth, CF64 2NN	Single storey rear extension and utility/WC in garage
2022/0465/BN	A	26, Slade Close, Sully, CF64 5UU	Single storey extension to rear and side
2022/0468/BR	AC	6, Heol Collen, Culverhouse Cross, Cardiff, CF5 5TX	Single storey extension to the side of the house at the top of the driveway

(b) Building Regulation Applications - Reject

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

2022/0382/BN	R	172, Jenner Road, Barry. CF62 7HR	Loft conversion with dormer
2022/0389/BN	R	27, Burdons Close, Wenvoe, CF5 6FE	Single storey orangery extension to rear
2022/0396/BN	R	16, Coates Road, Penarth, CF64 3QQ	Two Story side extension 40m2 + Internal Alterations and Porch
2022/0432/BN	R	145, Colcot Road, Barry, CF62 8UJ	New window and door in original external opening

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

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

2022/0088/AI	A	Unit 5, Llandough Trading Estate, Llandough, Penarth, CF11 8RR	Alterations to existing building to include demolition of existing external welfare and toilet block, and construction of a new internal 2 storey structure to include new toilets plus first floor space
2022/0089/AI	A	67, Jenner Road, Barry. CF62 7HQ	Loft conversion with hip to gable, rear dormer and associated works
2022/0090/AI	A	Mereworth House, Corntown. CF35 5BB	Loft conversion and associated works
2022/0091/AI	A	8, Mayflower Way, Rhoose, CF62 3HR	Single storey rear extension

2022/0092/AI	A	83, Picca Close, Culverhouse Cross, CF5 6XR	Single storey rear extension
2022/0093/AI	A	44, Porthkerry Road, Rhoose, CF62 3HD	Replacement of existing conservatory roof with a Warm Roof System
2022/0094/AI	A	8, Beach Road, Penarth, CF64 1JX	Proposed garage extension
2022/0095/AI	A	The White Lion, Ystradowen, Cowbridge, CF71 7SY	Construction of single storey hotel accommodation buildings
2022/0096/AI	A	Darren Hill (A4222), Cowbridge, CF71 7AN	51 residential unit(s)
2022/0097/AI	A	Steeplechase Farm, Fox Brook Lane, Cowbridge, CF71 7GX	New detached dwelling
2022/0098/AI	A	The Finches, Pwll Y Min Crescent, Peterston Super Ely, CF5 6LR	New build dwelling from pre-plaster to completion
2022/0099/AI	A	20, Cosmeston Drive, Penarth, CF64 5FA	Single storey side extension with Dorma roof and single storey rear extension
2022/0100/AI	A	7, Millwood Rise, Barry, CF62 6LD	Single storey side and rear extension
2022/0101/AI	A	13, Badgers Brook Rise, Ystradowen. CF71 7TW	Conversion of detached garage to home office (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2022/0102/AI	A	2, Robinswood Crescent, Penarth. CF64 3JE	Two storey extension and internal alterations
2022/0103/AI	A	Westwoods, The Trip, Ewenny. CF35 5BZ	Single storey extension and first floor extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

2022/0104/AI	A	2, Haven Walk, Barry. CF62 5AZ	Single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2022/0105/AI	A	35, Coleridge Avenue, Penarth, CF64 2SQ	Hip to gable roof extension with rear dormer, single storey side and rear extension and a part first floor extension
2022/0106/AI	A	3 Maes y Fynon, Bonvilston, Cardiff, CF5 6TT	Single storey rear extension with flat roof
2022/0107/AI	A	41, Golwg Y Coed, Barry, CF63 1AD	Single storey side lean to extension
2022/0108/AI	A	22 & 24, Pardoe Crescent, Barry, CF62 8EQ	Single storey infill extension, internal alterations and associated works
2022/0109/AI	A	4, Pardoe Crescent, Barry, CF62 8EQ	Single storey extension, internal alterations and associated works
2022/0110/AI	A	9, Heol Y Sianel, Rhoose, CF62 3ND	Structural alteration to form new window at side of property
2022/0111/AI	A	16, Heol St. Cattwg, Pendoylan, Cowbridge. CF71 7UG	Double storey extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2022/0112/AI	A	Cardiff & Vale NHS Trust, University Hospital Llandough, Penlan Road, Llandough, CF64 2XX	New extension and internal refurbishment works
2022/0113/AI	A	19, St. Brides Road, Wick, CF71 7QB	Single storey rear extension
2022/0114/AI	A	41, Gwern Close, Culverhouse Cross, Cardiff, CF5 6XL	Structural alteration
2022/0115/AI	A	Land at St. Hilarys, St. Hilary, CF71 7DP	New dwelling with adjacent barn and stable

2022/0116/AI	A	72, Celtic Way, Rhoose. CF62 3FT	Replacement of existing conservatory roof
2022/0117/AI	A	6, St. Nicholas Close, Dinas Powys. CF64 4TX	Replacement roof to a ultraframe 380 roof and frames (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2022/0118/AI	A	14, Cardigan Crescent, Boverton, Llantwit Major, CF61 2GP	Single storey rear extension
2022/0119/AI	A	Renishaw Plc, Hall 3, Miskin Business Park, Miskin, Pontyclun, CF72 8XY	Construction of new production facility
2022/0120/AI	A	Unit 3a, Cargo Units, Cardiff International Airport Ltd, Rhoose, CF62 3BD	Structural alteration
2022/0121/AI	A	Renishaw Plc, Hall 4, Miskin Business Park, Miskin, Pontyclun, CF72 8XY	Construction of new production facility
2022/0122/AI	A	7, Heol Leubren, Barry, CF63 1HG	Garage conversion

(d) Section 32 Building Act, 1984

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

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

2019/0240/BR
2019/0343/BR
2019/0479/BR
2019/0550/BN
2019/0622/BN
2019/0625/BN
2019/0691/BR
2019/0692/BR

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 JULY, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

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

Decision Codes

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

2017/00539/FUL	A	Collie Cottage, Cardiff Road, Dinas Powys	Retention of dwelling as built and alterations to access
2018/01358/7/C D	A	The Goods Shed, Hood Road, Barry	Discharge of condition 26 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
2018/01359/4/C D	A	Land east of the Goods Shed, Hood Road, The Innovation Quarter, Barry	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
2018/01383/6/C D	A	St. Pauls Church Hall, St. Pauls Avenue, Barry	Discharge of Condition 7 (Cycle storage). Planning approval 2018/01383/FUL - Proposed demolition of existing church and hall; development of 27 flats and associated works
2019/00796/4/C D	A	The Meadows, Peterston Super Ely	Discharge of Conditions 3 (Materials) and 4 (Materials Sample Panel). Planning approval 2019/00796/FUL - Demolition of existing dwellings and associated outbuildings. Replacement dwelling with new ancillary buildings and open air swimming pool

2020/01263/1/N MA	A	11, Porthkerry Road, Barry	Non Material Amendment - Revised parking arrangement. Planning approval 2020/01263/FUL - Proposed change of use from residential care home to an extension to the existing adjacent Mount Rooms Hotel, to include parking at the rear
2020/01543/FUL	A	Fonmon Castle, Fonmon	Development comprising new access, overflow carparking area, outdoor seating area, childrens play area, medieval village / events space and educational dinosaur walk to create family events venue
2021/00283/FUL	A	6 and 14, Bryneithin, Dinas Powys	Proposed car port/shelter
2021/00394/FUL	A	Knoll Cottage, 54, Cog Road, Sully	Amend Condition 2 for house types on plots 2 and 3. Planning permission 2016/00168/FUL - Demolition of existing property and development of three detached dwellings
2021/00431/1/N MA	A	Holme View, 10, Evenlode Avenue, Penarth	Non Material Amendment - use CEDRAL cladding in blue grey C10 to clad the rear dormer. Planning approval 2021/00431/FUL - Modernisation of existing dormer bungalow, including central 2 storey front gable with porch, roof extension above garage to side, and 2 storey rear extension with Juliette balconies
2021/00624/FUL	A	NCH Headlands School, St. Augustines Road, Penarth	Restoration of existing building together with new extensions and associated external works

2021/00625/LBC	A	NCH Headlands School, St. Augustines Road, Penarth	Restoration of existing building together with new extensions and associated external works
2021/00655/1/N MA	A	Kiva Koti, Llanmaes	Non Material Amendment Change the material used to build the structure from wood to block and render finish to Planning Permission 2021/00655/FUL:- Proposed outbuilding
2021/00693/FUL	A	10-12, The Old Rectory, Old Port Road, Wenvoe	Proposed refurbishment and restoration of all original windows and proposed replacement of non-original windows
2021/00694/LBC	A	10-12, The Old Rectory, Old Port Road, Wenvoe	Proposed refurbishment and restoration of all original windows and proposed replacement of non-original windows
2021/00757/FUL	A	12, Eastgate, Cowbridge	Proposed garage with storage room over
2021/00851/FUL	A	Tennis Court, The Broad Shoard, Cowbridge	Two new all weather tennis courts with associated works
2021/01165/FUL	A	Land to the South East of Pen Onn Farm	Retention of log cabin for tourism purposes and associated works
2021/01522/FUL	A	Brookside, 34, Mill Road, Dinas Powys	Proposed two storey side extension, including roof terrace
2021/01643/FUL	A	Tailor Made Travel, 14, Washington Buildings, Stanwell Road, Penarth	Removal and replacement of existing fenestration with new aluminium glazing. Removal of the existing front entrance door and recessed lobby and replacement with full glazed aluminium double

			doors and associated alterations
2021/01757/FUL	A	17, Brean Close, Sully	Two storey side extension to the property to increase the living and bedroom space. Replace the existing conservatory with a lean to style single storey rear kitchen extension and add a porch to the front of the property.
2021/01777/FUL	A	19, Guys Road, Barry	Double storey extension to the side of existing domestic dwelling
2022/00018/FUL	A	10, Somerset View, Ogmore By Sea	Demolition of existing balcony. Erection of two storey extension to rear elevation. Remove pitched roof over single storey structure and replace with flat roof / balcony
2022/00059/FUL	A	The Cottage, Church Lane, St Athan	Single storey extension to south elevation
2022/00073/FUL	R	Para, 21, Cog Road, Sully	Ground floor alterations kitchen and main entrance. First floor bedrooms with front balcony and mezzanine living accommodation. Lower ground floor leisure accommodation with rear roof terrace at ground floor level. Dormers front and rear within main roof alterations. Undercroft garage
2022/00092/FUL	R	19, Merioneth Place, Barry	Front garden balcony with legs and patio doors
2022/00116/FUL	A	United World College Of The Atlantic, East Drive, St. Donats	Proposed alterations to window openings and refurbishment of existing cladding, new canopy / outside covered area

2022/00136/FUL	A	Land opposite and near Ty Hafan Hospice, Hayes Road, Sully	New entrance from Hayes Road
2022/00156/FUL	A	Tara House, Llanmaes	Solar panel installation on rear roof (facing South East)
2022/00163/LBC	A	Mount Pleasant Farmhouse, Llangan	Renew timber sliding sash windows to front elevation
2022/00165/FUL	A	The Paddocks, Colwinston, Cowbridge	Alterations to an outbuilding
2022/00174/FUL	A	1, Charter Avenue, Barry	Remove existing conservatory. Construction of two storey extension (and roof conversion) to provide ground floor kitchen, utility and family room. First floor: two bedrooms and a bathroom. Provision to add staircase to roof space
2022/00181/FUL	A	18, Heol Sant Bridget, St. Brides Major	Two storey extension to side of house
2022/00187/FUL	R	97, Tynewydd Road, Barry	Dropped kerb and off-street parking. Conversion of current front garden to a driveway to enable off street parking and access to a charging point for an electric motor vehicle. This will require the Kerb to be dropped to allow access to the proposed drive. The entire front garden will be converted into a driveway to allow the car to be parked parallel to the house
2022/00191/FUL	A	305, Barry Road, Barry	Erection of single storey rear extension and alteration works

2022/00200/FUL	A	60, Brookfield Avenue, Barry	2 Storey side extension
2022/00202/FUL	A	Island View Residential Care Home, 10/12, Friars Road, Barry	10 and 12 Friars Road were part of the Island View Residential Care Home. proposed to revert back to, two semi detached houses to their former use as residential properties. The internal room arrangements changed back to domestic use and to remove the infill between numbers 8 and 10.
2022/00217/FUL	A	12, Solent Road, Barry	Proposed two storey side extension and single storey rear extension
2022/00222/FUL	A	42, Llwyn Passat, Penarth	Proposed rear garden lantern canopy, the courtyard garden is North facing and does have any direct sunlight. Proposal is to have open sided canopy with outdoor log burner so the space can used all year round
2022/00234/FUL	A	Old Cogan Hall, Sully Road, Penarth	Proposed construction of a timber double carport/garage on the driveway in order to provide sheltered parking for two cars
2022/00254/FUL	R	10, Nyth Yr Eos, Rhoose	Extend boundary of residential garden to include recently purchased land adjacent to the property and erect a 2 metre feather edge boundary fence
2022/00263/FUL	A	22 and 24, Pardoe Crescent, Barry	In-fill single extension at sheltered accommodation
2022/00264/FUL	A	6, Breaksea Close, Sully	Single storey rear extension

2022/00265/FUL	A	Penmark Farm House, Tredogan Road, Penmark	Erect a wooden garden room 6m x 3m at the back of our garden
2022/00272/FUL	R	49, Pontypridd Road, Barry	Retention of rear dormer window, rear single storey extension and raised patio area with proposed timber screen and games room in rear garden. Use of part of roof of single storey rear extension as roof terrace with proposed privacy screens.
2022/00286/LBC	A	Old Hall, 64, High Street, Cowbridge	Renewal and replacement of pitched roof slate finish and related works
2022/00289/FUL	A	Greenways, 101, Boverton Road, Llantwit Major	Proposed demolition of existing house and construction of 2 No. new detached dwellings with access, parking and amenity
2022/00291/FUL	A	34, Smeaton Close, Rhoose	Domestic two storey extension to side of existing dwelling
2022/00293/FUL	A	8-9, Llandough Trading Estate, Llandough	New over cladding roof system to both pitched roof bays with new built up roof system. New roof line will be raised by approx.. 260mm and finished in Goosewing grey coated profiled steel roof sheets, to match the existing adjacent roof on the estate
2022/00297/ADV	A	Cowbridge Bowling Club, The Broadshoard, Cowbridge	Free standing display panel
2022/00303/FUL	A	43, Stanwell Road, Penarth	Replace existing uPVC casement windows to uPVC sashes throughout the property. Install a

			rooflight in the side facing roof. remove the existing utility room to the rear of the property; remove the rear wall and install folding doors; remove part of the side wall and replace with a floor to lintel window; rebuild damaged existing boundary wall
2022/00321/FUL	A	36, Salop Street, Penarth	Outbuilding for home office in rear garden
2022/00323/FUL	A	8, Llys Steffan, Llantwit Major	First floor side extension above garage and part garage conversion
2022/00325/FUL	A	77, Hinchsliff Avenue, Barry	Detached single storey flat roof garden room. Finishes to match existing. Render dashing to walls, white upvc fascia, doors, windows. Black plastic rainwater goods
2022/00332/FUL	A	13, Elan Close, Barry	Replacement of existing porch (brick and uPVC) with bigger porch (brick and uPVC with tiled roof)
2022/00338/FUL	A	Sant Y Nyll House, Heol Sant Y Nyll, St. Brides Super Ely	Garage and garden room with pool
2022/00339/FUL	A	10, Cwrt y Vil Road, Penarth	Single storey side and rear extension
2022/00340/FUL	A	100, Jenner Road, Barry	Loft conversion with new dormer with Juliette balcony to rear of property and roof lights to the front
2022/00341/FUL	A	17, Cross Street, Barry	Single storey kitchen extension to rear of property. Demolition of existing garage to be replaced with new garage

2022/00343/LAW	A	Springfield, Station Road East, Wenvoe	Construction of single storey timber clad building to provide leisure rooms for occupants of the main dwelling.
2022/00344/FUL	A	74, Winston Road, Barry	Demolition of existing rear, single storey conservatory structure. Proposed single storey rear extension and two storey side extension with all associated external works
2022/00345/FUL	A	100, Winston Road, Barry	Proposed two storey side and single storey rear extensions including demolition of existing outbuilding
2022/00347/FUL	R	41, Minehead Avenue, Sully	Demolish existing double garage and build a three storey, 4 bedroom house attached to the side of the existing house. Build a rear extension on the back of the existing house and alterations to the entrance steps of the existing house
2022/00348/FUL	A	84, South Road, Sully	Extension above the existing garage to create a fourth bedroom, to include a dormer window to the rear and roof light to the front. Addition of a window to the rear of the property in the master bedroom and alterations to the front entrance porch
2022/00349/FUL	A	46, Porlock Drive, Sully	It is proposed to add a single storey side extension set half back from the front of the existing building to add a front door and extend the living room

2022/00353/FUL	A	Westbourne Hotel, 8, Victoria Road, Penarth	Proposed sun room extension to side. New gates to existing pedestrian and vehicular access
2022/00355/FUL	A	96, Cedar Way, Penarth	Proposed single storey side extension, front porch structure and replacement roof covering to existing rear single storey extension, with all associated external works
2022/00356/LAW	A	30, Highfield Close, Dinas Powys	Retention of a fence adjacent to the highway
2022/00357/FUL	A	Glan Y Mor Farm, Wick	Rear single storey extension to form utility room and boot room. internal alterations
2022/00368/FUL	A	149, Lavernock Road, Penarth	Single storey rear extension
2022/00369/FUL	A	17, Lynmouth Drive, Sully	Proposed demolition of existing bungalow and erection of new two storey dwelling
2022/00370/FUL	A	31, Perclose, Dinas Powys	Rear single storey extension. Box dormer loft conversion (within permitted) and single storey front extension to create bay and covered entrance porch
2022/00375/FUL	R	7, Pant Y Celyn Place, St. Athan	Proposed new dwelling adjoining existing dwelling
2022/00376/FUL	A	Manor House, Sully Road, Penarth	Proposed two-storey extension to rear of building
2022/00386/FUL	A	Dormy House, B4524 Ogmores Road, Ogmores By Sea	Glazed side extension at ground floor, on columns

2022/00389/LAW	A	62, Adenfield Way, Rhoose	To build a single storey extension to the rear of property
2022/00394/FUL	A	Shelter, Romilly Park, Barry	Conversion of existing open fronted shelter to fully enclosed refreshment kiosk. New signage to front elevation. Change of use to A3 - Food and drink.
2022/00399/FUL	A	Eden Cottage, Church Road, Llanblethian, Cowbridge	Demolition of existing house and construction of replacement house
2022/00408/FUL	A	9, Badgers Brook Drive, Ystradowen	Take down and replace extension in the same place but slightly larger at 2 x 5 metres (10m ²). Plus, Garage Conversion, half of the double garage into a home study.
2022/00415/FUL	A	9, Dunraven Close, Cowbridge	Ground floor rear extension
2022/00416/FUL	A	133, Lavernock Road, Penarth	Ground floor rear and side extension. Removal of existing chimneys and replacement of existing roof covering. Partial removal of front boundary wall with new crossover to provide second driveway vehicular entrance
2022/00420/FUL	A	116, White Farm, Barry	Proposed change of use from existing detached garage as part of domestic dwelling to a hair salon
2022/00422/FUL	A	Brynglas, St. Andrews Road, Dinas Powys	Modification of previous application 21/00716/FUL, small rear extension, reduced size single storey flat roof side extension, repurposed front courtyard with pergola and reduced height front wall. Dining room window at the front,

			replaced with a new front entrance door and side screen with canopy over with direct access from driveway. In front of new secure composite timber gates.
2022/00424/FUL	A	Hallowdene, St Athan Road, Cowbridge	Proposed alteration and extension, including disabled access and facilities to existing bungalow
2022/00426/FUL	A	Channel View, Buttrills Road, Barry	Proposed garage and single storey side extension
2022/00431/FUL	A	59B, South Road, Sully	Proposed single storey rear extension to form family room and proposed home office/gym to rear of garden
2022/00433/FUL	A	58, Longmeadow Drive, Dinas Powys	First floor rear and side extension
2022/00435/FUL	A	62, South Road, Sully	Proposed front dormer remodelling
2022/00437/LAW	A	Castle Upon Alun Lodge, St. Brides Major	Confirmation of use as property as dwelling (Please refer to accompanying statement and location plan)
2022/00443/FUL	A	36, Trebeferad, Boverton, Llantwit Major	Two storey rear extension with Juliette balcony
2022/00448/FUL	A	3, Heol St. Cattwg, Pendoylan	Proposed double storey side extension.
2022/00453/FUL	A	Caerlan, Bridge Street, Barry	Two storey rear extension with Juliette balcony
2022/00454/FUL	A	The Fox, Ewenny Road, St. Brides Major	Proposed side single storey glass and aluminium extension

2022/00455/FUL	A	13, Main Avenue, Peterston Super Ely	Front porch extension
2022/00460/FUL	A	Tesco Superstore, Stirling Road, Barry	Proposal to install 1 x Media EV Charger with Screen, 1 X Fast EV Charger, 1 X Rapid Charger and 3 X Steel Flag poles
2022/00462/FUL	A	16, Hensol Villas, Hensol	Single storey extension to front, convert garage to utility. Demolish existing conservatory and construct new single storey rear extension
2022/00463/FUL	A	Mariners Reach, 5, Whitcliffe Drive, Penarth	Single storey rear garden extension. Loft conversion, with balcony. Conversion of existing garage into a garden pavilion
2022/00464/FUL	A	10, Upper Cosmeston Farm, Penarth	Ground floor rear extension
2022/00469/FUL	A	28, Lombard Street, Barry	Conversion of three bedroom dwelling into two self contained flats with ground floor and first floor extensions, loft conversion with rear dormer and internal alterations
2022/00470/FUL	A	Penarth Natural Health Services, 11, Bradenham Place, Penarth	Change of use from Surgery (D1 Non Residential Institution) to a single dwelling house as defined under use class C3(a)
2022/00471/FUL	A	Ground Floor Shop, 250, Holton Road, Barry	Change of use from a flooring shop to Sui Generis for a taxi office. 24 hour taxi business to take calls and dispatch jobs to drivers

2022/00475/FUL	A	Westwoods, The Trip, Ewenny	Change the first floor dormer roofs from flat roof to pitched. First floor extension over the existing kitchen and games room. A rear single storey extension forming a new kitchen and utility room
2022/00476/FUL	A	Squirrel Oak Barn, Morfa Farm, Morfa Lane, Llantwit Major	Proposed two storey side extension
2022/00478/FUL	A	Land at Northcliffe Lodge, Northcliffe Drive, Penarth	Vary Condition 2 (Approved plans) and Condition 15 (Drainage) of 2017/00541/FUL: Demolition of existing dwelling and outbuilding, erection of 30 apartments, new access and alterations to adjacent parking area, replacement tree planting and landscaping and associated works (resubmission application)
2022/00486/FUL	A	37, The Verlands, Cowbridge	Proposed first floor side and single storey rear extensions
2022/00491/FUL	A	25, Dinas Road, Penarth	Double storey side and single storey rear extension
2022/00494/LBC	A	Penarth Yacht Club, Esplanade, Penarth	Removal of 1970/80s false ceilings and ventilation ducts. Repairs and restoration of historic ceilings, beams and windows. Insulation of ceilings. Replacement ceiling lighting
2022/00498/HR	A	Splott Farm, St. Donats	Remove hedge for access and use of a small parcel of land
2022/00507/FUL	A	2, Haven Walk, Barry	Erect a conservatory to the rear elevation

2022/00508/FUL	A	45, Seaview Drive, Ogmore By Sea	Erect a Heritage orangery to the North elevation
2022/00514/FUL	A	16, Forrest Road, Penarth	A rear first floor extension above an existing rear kitchen
2022/00520/FUL	A	Jalna, St. Nicholas	Internal reconfiguration and loft conversion
2022/00524/FUL	A	14, Heol Broadland, Barry	Single storey rear extension
2022/00527/FUL	A	1, St. Michaels Close, Michealston Le Pit Road, Michaelston Le Pit	Alterations in the form of a rear single storey extension to living and home work area
2022/00528/FUL	A	14, Harbour Walk, Barry	Installation of a domestic 10 panel solar PV array (4KW) and home storage battery system. Panels system proposed to be installed on South East elevation of the property
2022/00534/FUL	A	2, Maes Lloi, Aberthin	Proposed side extension to provide new main entrance and utility room. Minor alterations to elevations for previous planning permission granted
2022/00535/FUL	A	21, Westbourne Road, Penarth	Proposed detached garden room
2022/00536/FUL	A	18, Greenway Close, Llandough, Penarth	Replacement of structurally defective 3 bedroom dormer bungalow and garage with new 3 bedroom dormer bungalow and garage
2022/00541/FUL	A	1, Knowbury Avenue, Penarth	Extension to side of property - rear to be single storey flat roof, front to be two storey gable. New porch to be built

2022/00542/LAW	A	8, Pen Y Garth Mansion, 2, Stanwell Road, Penarth	Construction of single storey extension to rear of dwelling
2022/00543/LAW	A	17, Countess Place, Penarth	Building works associated with a loft conversion and ground floor extension
2022/00547/FUL	A	1, Caerwent Close, Dinas Powys	Conversion of existing garage to multifunctional space
2022/00549/FUL	A	Pound Cottage, Duffryn Lane, St. Nicholas	Extend existing garage with a green oak framed building and re-tile existing garage roof to match
2022/00552/FUL	A	12, Catkin Drive, Cogan, Penarth	Single storey rear extension
2022/00556/FUL	A	53, Plymouth Road, Penarth	New single storey extension to rear of property., flat roof running into existing pitched roof extension, external walls clad in black timber cladding. New doors in side elevation
2022/00557/LAW	A	17, Elm Grove Lane, Dinas Powys	Demolition of existing conservatory and construction of single storey rear extension
2022/00558/FUL	A	66, Burdons Close, Wenvoe	Conversion of integrated double garage into habitable space (living room/playroom). The existing garage door will be replaced by half wall and windows.
2022/00560/FUL	A	29, Chantry Rise, Penarth	Demolition of existing single storey extension to be replaced with new single storey extension, rear patio area to be raised and alterations to fenestration

2022/00567/ADV	A	Marks And Spencer Plc., Culverhouse Cross	Installation of local Welsh art on North East elevation. 3 No. replacement free standers. New signage on gable end of trolley shelter
2022/00568/FUL	A	171, Plymouth Road, Penarth	Addition of new dormers to existing loft conversion, replacement of section of existing hipped roof with flat roof including new lantern light and the construction of a new garden room (containing a gym)
2022/00581/FUL	A	3, Baruc Way, Barry	Solar panels to rear elevation of house and garage roof
2022/00585/FUL	A	Forge House, Church Street, Llysworney	Proposed alterations and modifications of dwelling, including new porch, new pitched roof over utility and changes to fenestration
2022/00599/FUL	A	24, Heol Fioled, Barry	Proposed single storey rear and side extension to connect existing domestic dwelling to detached garage. Garage to be split to part storage and part sun room / gym
2022/00605/FUL	R	Crofta, Ystradowen	Proposed garage / storage
2022/00611/ADV	A	Currys, Culverhouse Cross Retail Park, Culverhouse Cross, Cardiff	Retain 1 no. retro-frame sign
2022/00613/FUL	A	14, Llwyn Passat, Portway Marina, Penarth	Proposed new steel balcony on front elevation
2022/00623/FUL	A	The Bothy, Penylan Cowbridge	Demolition of two separate conservatory extensions and their replacement with new, providing a siting space/utility room (single storey structures)

2022/00628/LAW	A	3, Maes y Ffynon, Bonvilston	Single storey flat roof extension to rear elevation
2022/00631/PNT	A	Marconi Avenue, Morrystown, Penarth	Proposed 5G telecoms installation: 18m high 'slim line' Phase 8 H3G street pole c/w wrap around cabinet and 3no. cabinets with ancillary works
2022/00638/LAW	R	Tinkins Hall, Cowbridge Road, St. Nicholas	Change of use to residential dwelling
2022/00639/FUL	A	14, Baroness Place, Penarth	Single storey rear extension
2022/00646/FUL	A	2A, Elfed Avenue, Penarth	Two storey side extension with single storey rear extension plus all associated works

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 27 JULY, 2022

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2021/01685/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01915-S8T0J7
Appellant: Mr. S. Crockford
Location: 32, Slade Road, Barry
Proposal: Two storey side extension with rear Juliette balcony
Start Date: 16 June 2022

LPA Reference No: 2020/00995/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01794-W9P9M4
Appellant: Mr. B. Spencer
Location: Broadlands Partnership, 41, Ludlow Street, Penarth
Proposal: To increase the height of the building(s) with an additional floor, including material alterations to the facades and the change of use from office use to ground floor office use and 5 residential units
Start Date: 8 July 2022

(b) Enforcement Appeals Received

None.

(c) Planning Appeal Decisions

LPA Reference No: 2021/01285/ADV
Appeal Method: Written Representations
Appeal Reference No: CAS-01596-M6X0X5
Appellant: Mrs Liza Byrne
Location: 14A, High Street, Cowbridge

Proposal: Installation of 3 separate signs, front side and entrance to the building
Decision: Appeal Dismissed
Date: 24 May 2022
Inspector: I Stevens
Council Determination: Delegated

Summary

The main issue was considered to be the effect of the advertisements on the visual amenities of the area having regard to their location within the Cowbridge with Llanblethian Conservation Area. The proposal was for three signs to advertise the appellant's business, one located on the front elevation facing the High Street, one located on the side elevation at Birds Lane and the third was already in place next to the entrance door on Birds Lane.

The Inspector considered that whilst there was a consistency to the appearance of each sign, the proposal would alter the appearance of the appeal building, with the amount of signage and their positioning on the front and side elevations being dominant on the building and prominent in the street scene. Whilst the upper elevations appeared uncluttered and allowed a legible appreciation of the architecture and character of the Conservation Area, the appeal proposal would detract from the significant view along the High Street identified in the CAAMP.

Whilst recognising that there were other signs in the commercial area including examples provided by the appellant, there was clearly a balance to be had between the need to advertise a business, and the impacts of proposals on the Conservation Area. In this instance, the Inspector considered that the appeal proposal would be harmful to the visual amenity of the area and would fail to preserve or enhance the appearance of the Cowbridge with Llanblethian Conservation Area. It was therefore concluded that the appeal should be dismissed.

LPA Reference No: 2020/01504/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01576-R4H4N8
Appellant: Gareth Lloyd
Location: **Hensol Cottage, Welsh St Donats**
Proposal: Retrospective application to regularise the "as built" development relative to planning permission ref 2019/00696/FUL for a proposed stable block / agricultural machinery store, and associated proposed additional changes, including changes to fenestration and internal changes (appeal against condition 1)
Decision: Appeal Allowed
Date: 25 May 2022
Inspector: I Stevens
Council Determination: Committee

Summary

The appeal was made against the grant of retrospective planning permission to regularise the "as built" development relative to planning permission ref 2019/00696/FUL for a proposed stable block/agricultural machinery store and associated proposed additional changes subject to conditions. The condition disputed under the appeal (no.1) required the development to be completed in accordance with the submitted plans which showed the slate roof covering replaced with black corrugated sheeting, as shown on the originally approved plans.

Whilst the Inspector acknowledged that the slate roof differed from the approved plans, he considered that it was an attractive feature and not a dominant material or untypical feature of the building when viewed in the rural context. It was evident that slate roofs were characteristic of buildings in the rural area and he did not consider that the use of a slate roof gave the building a domesticated appearance. The Inspector also noted that the Council's Design in the Landscape SPG included slate roofs as a preferred material and considered that this was an appropriate material in the rural context.

The proposed stable block and agricultural machinery store was subject to compliance with planning conditions and the Inspector considered that the use of a slate roof did not set a precedent for future schemes. It was therefore concluded that varying the planning permission would not be harmful to the character and appearance of the area, would comply with Policies MD1 and MD2 of the LDP and the Design in the Landscape SPG and that the appeal should be allowed and planning permission granted.

LPA Reference No:	2021/01693/ADV
Appeal Method:	Written Representations
Appeal Reference No:	CAS-01713-Q4Y0V6
Appellant:	Alight Media
Location:	ETB Autocentre, Cardiff Road, Barry
Proposal:	Replacement of a previously removed existing illuminated 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display
Decision:	Appeal Dismissed
Date:	26 May 2022
Inspector:	R Duggan
Council Determination:	Delegated

Summary

The main issue was considered to be the effect of the proposed advertisement on the character and appearance of the area. It was proposed to erect a free standing 48-sheet digital advertisement display measuring 3.0m by 6.0m wide reaching a height of about 5.0m from the ground which was proposed to present a range of static images changing every 10 seconds.

The Inspector noted that advertisements and signs were not unusual features within the area, however due to the size and illumination of the display, it

would stand out from other advertisements in the area and would be a visually incongruous feature. The impact would be accentuated by the display of changing illuminated images and whilst there were numerous other adverts in the area, these were smaller in scale and not illuminated.

Whilst acknowledging that the purpose of a sign was to be seen, it was concluded that due to its height and overall size, the illuminated advertisement would be an incongruous and dominating feature and have a detrimentally harmful impact on the character and appearance of the area. Whilst taking into account the Council's planning policy (Policy MD2), the regulations required the decision to be made only in the interests of amenity, taking account of any material factors. Given the scale of the proposed advertisement, it was however concluded that permission should be withheld and the appeal was therefore dismissed.

LPA Reference No:	2021/00958/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-01588-S7K4C5
Appellant:	Mr Peter Zehetmayr
Location:	Tower Hill Residential Home, 54, Plymouth Road, Penarth
Proposal:	Retention of a single-storey Visitor Pod / Garden Office Unit placed on a concrete base in the rear garden, to provide a safe visitor facility for Residents of the Care Home as well as additional office space
Decision:	Appeal Dismissed
Date:	30 May 2022
Inspector:	I Stevens
Council Determination:	Committee

Summary

The main issue was considered to be the effect of the development on the character and appearance of the surrounding area, having regard to its location within the Penarth Conservation Area. The proposal was to retain a single-storey rectangular building which had been placed in the rear garden of the property since 2021 to allow residents of the care home to safely meet visitors, along with additional office space.

The appeal building was 6m long, 2.4m wide and 2.6m high and had grey vertical corrugated panels on its exterior, a flat roof and access ramp. The development was considered to have a boxy, utilitarian form and its materials stood in sharp contrast to the palette of building materials that contributed to the street identity and immediate setting. The Inspector considered that the building related poorly to the predominantly red brick exterior of the appeal property and the historic character of the land and caused visual harm to the street scene, failing to preserve or enhance the Conservation Area.

The appellant's suggestion of screening the building from views along Tower Hill Lane through a timber latticed screen and fencing was considered by the Inspector to be less sympathetic as a design feature to the character of the

area and he was not satisfied that fully screening the building would remove the harm identified. It was therefore concluded that the development was harmful to the character and appearance of the area and failed to preserve or enhance the character or appearance of the Penarth Conservation Area, contrary to Policies MD2, MD5 and MD8 of the LDP and that the appeal should be dismissed.

LPA Reference No: 2021/01348/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01577-R1J3F1
Appellant: Ms Sam Williams
Location: **Ty Mawr, Llanbethery**
Proposal: Demolition of part of boundary wall to create new vehicle entrance off the main lane adjacent to existing pedestrian access
Decision: Appeal Allowed
Date: 31 May 2022
Inspector: J Burston
Council Determination: Delegated

Summary

The main issue was considered to be whether or not the development would preserve or enhance the character or appearance of the Llanbethery Conservation Area (CA). The appeal proposal sought a new vehicular access, which would involve the part demolition and re-building of the front boundary wall to form an approximate 3.3 metre wide opening with approximate 1 metre high gate.

The Inspector noted that stone boundary walls were a distinctive feature of the hamlet and the contrast between the taller piers/walls and lower walls created an attractive part of the streetscape and contributed to the character and appearance of the CA. The creation of the opening for the new access point would not significantly disrupt the section of the wall or the visual coherence and sense of continuity in the front boundary treatment and would respect the form and materials of traditional boundary treatments in the CA.

A previous planning permission had been granted for the creation of a vehicle access along the eastern boundary wall at the appeal site (2019/00398/CAC) close to where historic bee boles features were located. The Inspector concluded that as the fallback was significantly more harmful, this carried significant weight in favour of the appeal scheme. Moreover, the proposal would preserve the character and appearance of the Llanbethery CA and would accord with LDP Policies SP10, MD2 and MD8 and the appeal was therefore allowed and planning permission granted.

LPA Reference No: 2021/01086/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01740-H8D4Y3
Appellant: Mr Will Vaulks

Location: Ty'r Waun, Cross Common Road, Dinas Powys
Proposal: Substantial demolition of existing dwelling and the creation of a replacement dwelling
Decision: Appeal Allowed
Date: 31 May 2022
Inspector: A Thickett
Council Determination: Committee

Summary

The main issue was considered to be the impact of the proposed development on the character and appearance of the area. The proposal involved the demolition of almost all of the existing building and the construction of a new dwelling. The Inspector agreed that due to its size and the surrounding screening, the existing dwelling had little impact on its surroundings but considered that the proposed development would be an improvement over the existing.

Whilst the resultant building would be larger than the nearby bungalow and the next group of dwellings along Cross Common Road were dormer bungalows, given the distance between the appeal site and the sporadic nature of development, it was not considered by the Inspector that dormer bungalows defined the character and appearance of the area or that the proposed development would not respond appropriately to the local context.

The resultant building would be significantly larger than the existing and would therefore have a materially greater impact on the landscape. There was however variety in the size, shape and form of development in the area and whilst the proposed building would be different, he did not consider it would have an unacceptable impact on the character and appearance of the area. It was therefore concluded that the proposed development complied with Policy MD12 of the LDP and that the appeal should be allowed and planning permission granted.

LPA Reference No: 2021/01605/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01717-H3S0N9
Appellant: Mrs Ann Hayward
Location: **28, Westgate, Cowbridge**
Proposal: Alterations/extension to existing dwelling - resubmission following refusal
Decision: Appeal Withdrawn
Date: 14 June 2022
Inspector: N Gulley
Council Determination: Delegated

LPA Reference No: 2021/00418/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01699-F6T0B1
Appellant: Stuart Reid
Location: **4, Cliff Parade, Penarth**
Proposal: Construction of replacement house
Decision: Appeal Dismissed
Date: 23 June 2022
Inspector: N Jones
Council Determination: Delegated

Summary

The main issues were considered to be the effects of the proposal on the living conditions of neighbouring occupiers and on the character and appearance of the area. The proposal was to demolish the dwelling and to replace it with a three-storey contemporary designed property with basement parking.

The Inspector was satisfied that the lack of windows and obscured glazing would prevent undue overlooking of the neighbouring property. It was considered however that the proposed rear balcony would be larger than the existing arrangement, allowing greater opportunities for overlooking towards the private garden area at No. 6. It was also considered that the massing of the building would be considerably increased at close quarters and therefore concluded that the proposal would unacceptably increase overlooking to No.6, and have an imposing, oppressive, and overbearing impact on the living conditions of the occupiers at No. 2 and No. 6 contrary to Policy MD2 of the LDP and 'Residential and Householder Development' SPG.

In relation to character and appearance, the Inspector identified that the bulk of the cubed form of the proposal would be visible across the width and depth of the plot from the footpath and the open space to the north. The stark side elevation would be a substantial and prominent feature in this view and it would be similarly bulky in the view from Cliff Parade, where the side and front elevation would give an overly large and incongruous appearance. Although the Inspector agreed with the Council that a contemporary scheme would be acceptable in this context, it was concluded that due to its scale, massing and form, the proposal would harm the character and appearance of the area and be contrary to Policies MD2 and MD5 of the LDP and SPG advice and the appeal was therefore dismissed.

LPA Reference No: 2021/01267/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01691-S7N5F3
Appellant: Mr R Lucas
Location: **Land adjacent to 8, Shakespeare Road, Barry**
Proposal: Residential development of a single two bedroom dwelling at the junction of Shakespeare Road and Milton Road, Barry
Decision: Appeal Allowed

Date: 22 June 2022
Inspector: N Jones
Council Determination: Delegated

Summary

The main issue was considered to be the effect of the proposal on the character and appearance of the area. The proposal was for a single two bedroom dwelling at the junction of Shakespeare Road and Milton Road.

The Inspector considered that the design of the dwelling would follow that of neighbouring dwellings and therefore, together with the use of consistent finishing materials, respond appropriately to the context and character of its surroundings. Whilst noting that the site was different in shape to others in the vicinity, it was of a comparable size and would provide more amenity space than that set out in the Council's SPG and would not therefore appear cramped or constrained

It was acknowledged that the proposed dwelling would be located close to the boundary with No 44 Milton Road (No 44), but it was considered that it would be visually separated from it, when viewed from the north, by that property's side garden and parking area, reflecting existing patterns. Its placement would respect the projected building line, following the curve of the site frontage and retain the openness of the frontage, replicating the placement of Nos 12-14 Shakespeare Road at the junction with Shelley Crescent. The Inspector therefore concluded that the proposed dwelling would not appear incongruous or harm the character or appearance of the area and would comply with policies MD2, MD5 and the Residential and Householder Development SPG and the appeal was therefore allowed and planning permission granted.

LPA Reference No: 2021/00713/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01526-D4Z5V9
Appellant: Benjamin Mathew
Location: **Pen Y Bryn, Llanmaes**
Proposal: Proposed Extension to Railway
Decision: Appeal Allowed
Date: 1 July 2022
Inspector: H Jones
Council Determination: Delegated

Summary

The main issues were considered to be the effect of the proposed development on the character and appearance of the surrounding countryside and the living conditions of neighbouring residents. The proposal was to extend an existing narrow gauge railway line by adding a short branch line, some 60m long, which would run close to the southern boundary of the paddock, perpendicular to the main rail line.

The Inspector identified that the wider landscape was characterised by open countryside of mainly large fields enclosed by hedgerows with sporadic

buildings and any occasional views of the model train would be very limited and transient. He considered that it would be viewed in the context of the residential properties and as such, would not appreciably impact on the character of the surrounding countryside or be contrary to policies MD1 or MD2 of the LDP. In relation to the impact of the living conditions of the neighbouring property, whilst the subject line would be located directly in line with the main view from the rear elevation of the neighbouring property and a train may be somewhat more visible than when using the existing tracks, the Inspector considered that the size and occasional presence of the train meant that its potential visual presence would be modest and not intrusive.

The Council had also considered the extension of the track to be unacceptable based on the potential for an increased level of use, however the Inspector considered there was little evidence to demonstrate that the extension would lead to a material intensification and concluded that the proposal would not unacceptably affect the living conditions of neighbouring residents and accord with policy MD2 of the LDP and TAN 11: Noise. It was therefore concluded that the extension of the railway line did not materially alter the nature of the use and that the appeal should be allowed and planning permission granted.

(d) Enforcement Appeal Decisions

LPA Reference No:	ENF/2017/0289/PC (A)
Appeal Method:	Written Representations
Appeal Reference No:	APP/Z6950/F/21/3272869
Appellant:	Mrs Charlotte Leighton
Location:	3, Norman Cottages, Michaelston Le Pit Road, Michaelston Le Pit
Proposal:	Without planning permission, nor in accordance with permitted development rights, the carrying out of operational development to the original dwellinghouse on the Property, consisting of: (i) The application of smooth cement render to the front, side and rear elevations of the Original Dwellinghouse; and (ii) The replacement of the existing red clay pantiles on the front and rear roof planes of the Original Dwellinghouse with grey concrete tiles.
Decision:	Appeal Dismissed
Date:	1 July 2022
Inspector:	R Jenkins
Council Determination:	Delegated

Summary

The Enforcement Notice (EN) related to the application of smooth cement render to the front, side and rear elevations of the original dwellinghouse and

the replacement of the red clay pantiles on the front and rear roof planes of the original dwellinghouse with grey concrete tiles.

The appeal property was located within the Michaelston Le Pit Conservation Area and within the group of properties described as 'Rural District Council Houses'. Planning permission was granted at the appeal site in 2016, under LPA ref: 2016/01172/FUL for a two-storey side extension and the materials of the extension were controlled via planning condition to match those of the existing building (brick walls and red clay roof pantiles). Following a complaint received in 2017, it was confirmed that the approved development had been finished in smooth concrete render and with concrete roof tiles replacing the original red clay pantiles and that the materials on the original dwellinghouse had also been changed to match the extension. Planning application ref: 2018/00641/FUL which sought to regularise the development was refused and subsequently dismissed at appeal (ref: APP/Z6950/D/18/3218803), following which the Council then resolved to take enforcement action against the materials on both the original dwelling (Appeal A) and the extension (Appeal B).

Both appeals proceeded under ground (c) – that the matters alleged in the EN do not constitute a breach of planning control and ground (f) – that the steps required to comply with the requirements of the EN are excessive and lesser steps would overcome the objections.

In respect of ground (c), the Inspector identified that in the case of a dwellinghouse on article 1(5) land (including conservation areas), development was not permitted if it would include the cladding of any part of the exterior of the existing dwellinghouse with render. Similarly, in relation to works to a roof, there was a requirement for the appearance of the materials used to, so far as practicable, match the appearance of the materials used in the majority of the equivalent element of the existing dwelling house. As the concrete tiles were materially different to the red clay pantiles that previously existed, this element therefore also failed to constitute permitted development. It was therefore concluded that the development constituted a breach of planning control and the appeal under ground (c) therefore failed.

In respect of ground (f), the Inspector considered it was clear that the Council was seeking to remedy the breach of planning control and as no lesser steps had been provided by the appellant, he concluded that the requirements of the EN were not excessive and that the appeal under ground (f) therefore failed.

It was therefore concluded that subject to an amendment to the description of the breach of planning control, the appeal should be dismissed and the EN upheld. The requirements of the EN agreed by the Inspector were to remove the smooth cement render finish and concrete roof tiles from the original dwellinghouse, repaint the masonry brickwork to match the original dwellinghouse and install clay pantiles to the front and rear roof planes that match the appearance of the materials that previously existed on the property.

LPA Reference No: ENF/2017/0289/PC (B)
Appeal Method: Written Representations
Appeal Reference No: APP/Z6950/F/21/3272866
Appellant: Mrs Charlotte Leighton
Location: 3, Norman Cottages, Michaelston Le Pit Road, Michaelston Le Pit
Proposal: On 24th November 2016 planning permission was granted under reference number 2016/01172/FUL for a two storey side extension (together with various associated internal renovation works) to the original dwellinghouse at the Property.
It appears to the Council that the following conditions of the Planning Permission have not been complied with:
2. The development shall be carried out in accordance with the following approved plans and documents:-
- Location Plan, Dwg. No. 426_01 rev B, received 29 September 2016;
- Proposed plans and elevations, Dwg. No. 426_110 rev D, received 29 September 2016;
and
- Design and Access Statement, received 13 October 2016.
3. The external finishes of the development hereby approved shall match those of the existing building.
Decision: Appeal Dismissed
Date: 1 July 2022
Inspector: R Jenkins
Council Determination: Delegated

Summary

The enforcement notice related to the finishing of the external walls of the side extension in smooth cement render and the rear roof plane and roof of the rear facing gable in concrete roof tiles without complying with conditions 2. (approved plans and drawings) and 3. (materials to match the existing building) of planning permission 2016/01172/FUL.

The appeal property was located within the Michaelston Le Pit Conservation Area and within the group of properties described as 'Rural District Council Houses.' Planning permission was granted at the appeal site in 2016, under LPA Ref: 2016/01172/FUL for a two-storey side extension and the materials of the extension were controlled via planning condition to match those of the existing building (brick walls and red clay roof pantiles). Following a complaint received in 2017, it was confirmed that the approved development had been finished in smooth concrete render and with concrete roof tiles replacing the original red clay pantiles and that the materials on the original dwellinghouse had also been changed to match the extension. Planning application ref: 2018/00641/FUL which sought to regularise the development was refused and subsequently dismissed at appeal (Ref: APP/Z6950/D/18/3218803),

following which the Council then resolved to take enforcement action against the materials on both the original dwelling (Appeal A) and the extension (Appeal B).

Both appeals proceeded under ground (c) – that the matters alleged in the EN do not constitute a breach of planning control and ground (f) – that the steps required to comply with the requirements of the EN are excessive and lesser steps would overcome the objections.

In respect of ground (c), the Inspector identified that the breach of planning control alleged was the erection of the two-storey side extension without compliance with planning condition Nos. 2 and 3 of planning permission ref: 2016/01172/FUL. As it was not disputed that the development had taken place in breach of the requirements of these planning conditions and had not been authorised by any other approval or development order, it was therefore concluded that the appeal under ground (c) therefore failed.

In respect of ground (f) the Inspector considered that as the breach of planning control comprised the breach of condition Nos. 2 and 3 of the 2016 planning permission, the only way of remedying the breach of planning control was to ensure compliance with the requirements of those conditions. As no alternative lesser steps had been identified by the appellant, he concluded that the requirements of the EN were not excessive and that the appeal under ground (f) must therefore fail.

It was therefore concluded that subject to an amendment to the first paragraph of the EN and the description of the breach of planning control, the appeal should be dismissed and the EN upheld. The requirements of the EN agreed by the Inspector were to complete the extension as identified on the approved plan, to provide a masonry brick finish to match the original dwellinghouse and to replace the concrete roof tiles on the rear roof plane and roof gable with clay pantiles that match the roofing materials on the main dwellinghouse at the time planning permission was granted.

(e) April 2022 – March 2023 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	5	5	10	1
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		5 (50%)	5 (50%)	10	1
Committee Determination		1	2	3	-
Other Planning appeals (inc. appeal against a condition)		-	-	-	1
Enforcement Appeals	W	2	-	2	-
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		2 (100%)	-	2	-
All Appeals (excludes non validation appeals)	W	7	5	12	2
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		7 (58%)	5 (42%)	12	2

Background Papers

Relevant appeal decision notices and application files (as detailed above).

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 JULY, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved

R - Refused

E Split Decision

2022/00062/TPO	A	Land to the rear of The Lindens, Bradford Place, Penarth	Works to trees covered by Tree Preservation Order No. 8 of 2000
2022/00284/TPO	A	2, Trem Mapgoll, Barry	Works to Trees under TPO No. 02 2002. Oak 1 - Crown lift away from property. Oak 2 - Crown lift away from above mentioned property
2022/00410/TPO	A	Northcliffe Estate, Paget Road, Penarth	Works to trees covered by Tree Preservation 1970, Northcliffe
2022/00482/TCA	A	Stables Cottage, Llanbethery	Work to Tree(s) in a Conservation Area: T001-Ash tree to be removed. T002-Ash tree to be removed. T003-Ash tree to be removed
2022/00496/TCA	A	5, Norman Cottages, Michaelston Le Pit	Work to Tree(s) in a Conservation Area; To remove 3 cypress trees and prune/remove branches of 2 plum trees

2022/00501/TCA	A	Y Berllan, Peterston Super Ely	Work to Trees in a Conservation Area: Removal of 12 x Lleylandii G001
2022/00504/TCA	A	25, Westbourne Road, Penarth	Work to Trees in a Conservation Area: Pruning only of Eucalyptus tree, planted by us 20 years ago, which has grown enormous with one limb extending over the wall, across the back lane and into back garden of house in Cwrt Y Vil Road
2022/00539/TCA	A	25B, Archer Road, Penarth	Work to tree(s) in a Conservation Area: Ash tree - fell to ground level to be replaced with Rowan
2022/00597/TCA	A	Springfield Cottage, 35, Old Port Road, Wenvoe	Work to Tree in a Conservation Area: Fell dead Silver Birch tree
2022/00604/TCA	A	7a, Beach Road, Penarth	Work to Tree in a Conservation Area: T1 - Yew - Reduce crown to give clearance to owner's and neighbours properties
2022/00619/TCA	A	18, Archer Road, Penarth	Work to Trees in a Conservation Area: Removal of two Holly trees in the rear garden
2022/00645/TCA	A	13, Church Avenue, Penarth	Removal of one self seeded Ash without TPO, to rear of garage
2022/00672/TCA	A	Toad Hall, Llandow	Work to trees in Llandow Conservation Area: G1-birch - 20-30% reduction to formative prune and reduce height

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 JULY, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. ENFORCEMENT ACTION

A) LAND AND BUILDINGS AT LAND BEHIND THE PROPERTIES OF HOLLAND COTTAGE, THE SYCAMORES, AND OLD COPSE, LLANTWIT ROAD, ST ATHAN

Executive Summary

This report seeks authorisation to issue an Enforcement Notice under section 172 of the Town and Country Planning Act 1990 (as amended) in respect of the unauthorised change of use of the land from agriculture to a mixed use of agriculture and the storage of construction materials and other miscellaneous items.

The report recommends that an Enforcement Notice is issued requiring the unauthorised change of use of the land to cease and the removal of the construction materials and other miscellaneous items. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

Background and Site Description

1. This report relates to the change of use of land to the storage of construction items and waste, plant/machinery, the siting of a pre-fabricated container and other buildings. Items stored on the land include but are not limited to rubble, plastic tubing, heras fencing, plastic tubs, ladders, plant/machinery and highway signs and equipment.
2. The site comprises an area of agricultural land of approximately 0.94 hectares. The land is divided into four parts comprising three fields separated by rows of trees, shrubs and brambles forming a western, central and eastern field. To the south of the eastern field is an area of land separated by eight Cypress and one Weeping Willow which are covered by Tree Preservation Order 2020/0005/TREE. The land is accessed via a private lane to the west.
3. The site is boarded by a number of residential properties to the south, a mix of residential and agriculture uses to the east and west and an agricultural building and yard with fields beyond to the north.
4. The land associated with this unauthorised use is marked red on the plan below.



Details of the Breach

5. The land highlighted red on the above plan is used to store miscellaneous construction items and plant/machinery. Buildings and a prefabricated container are also sited on the land. The eastern field has heras fencing along the entirety of its northern, eastern and southern boundaries and is used as the principal storage area. Items stored here include two large piles of rubble/building waste and tree cuttings within its centre. In the south-western corner, rubble, paint pots, plastic tubing, fence panels, road signs, wooden pallets a bathtub and various other miscellaneous items are stored. Along the southern boundary sits a wooden shed along with various other items, namely fencing which is stored up against the base of the TPO Cypress trees. In the south-eastern corner is a dilapidated building and a pre-fabricated container. A digger and other items are stored at the northern part of this field.
6. The area of land south of the eastern field contains UPVC window frames and the remains of a roof of an outbuilding. A building in this area at the southern boundary appears to be used to store material as well as a chicken coop.
7. The central field contains a pile of rubble as well as a pile of waste building material, primarily made up of wooden panels and pallets.

8. Photos of the site are shown below.





9. The lawful use of the land is for agriculture. The storage of construction related materials, plant/machinery and associated buildings on the land which is clearly unrelated to any agricultural use constitutes a material change of use of the land which requires planning consent.

Action Pursued to Date

10. Contact made with owner to remedy the breach has resulted in the submission of the Lawful Development Certificate application noted below (2021/01455/LAW). Following the Council's decision not to issue a certificate of lawfulness, the owner was given 28 days to remove the unauthorised material from the land. Following the expiry of this 28 day period, a site visit was undertaken which confirmed that no apparent attempt had been made to remove the building related materials and other items from the land and similar construction materials are stored within the central field. As such, the land continues to be used for the unauthorised storage of construction and other miscellaneous items.

Planning History

11. The Local Planning Authority received an application (reference: 2021/01455/LAW) for an existing lawful development certificate which sought to establish the lawful use of the land (eastern field only) is for the storage of construction related goods. The information provided by the applicant failed to demonstrate that, on the balance of probability, the land has been used for the storage of construction related goods in excess of ten years; therefore the Local Planning Authority refused to issue the certificate of lawfulness on 9th March 2022 and the current use remains unauthorised.

Planning Legislation

12. Section 173 of the Town and Country Planning Act 1990 states that in relation to the contents and effect of an enforcement notice:
 - (3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.
 - (4) Those purposes are -
 - (a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
 - (b) remedying any injury to amenity which has been caused by the breach.
 - (5) An enforcement notice may, for example, require -
 - (a) the alteration or removal of any buildings or works;
 - (b) the carrying out of any building or other operations;

Policy and Guidance

13. Welsh Government advice on the enforcement of the planning control is found in the Development Management Manual (Revision 2, May 2017). It states that, 'When considering enforcement action, the decisive issue for the LPA should be whether the unauthorised development would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.'

Local Development Plan:

14. 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. The Local Development Plan identifies the land as being within the St Athan settlement boundary and all but part of the eastern most section of the site falling within the St Athan Strategic Housing Allocation.

Within this easternmost section, there is a grouped TPO (reference: 2020/00005/TREE) comprising 8xCypress and 1xWeeping Willow. With the above in mind, the following policies are of relevance:

Managing Development Policies:

POLICY MD2 - DESIGN OF NEW DEVELOPMENT – states amongst other things that in order to create high quality, healthy, sustainable and locally distinct places, developments should:

- I) 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;
- II) Respond appropriately to the local context and character of neighbouring uses in terms of use, type, and scale; and
- III) Safeguard existing public and residential amenity, particularly with regard to noise and disturbance.

POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES - states new development within settlement boundaries will be permitted where the development:

- I) Is of a scale, form 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;
- II) Would not result in the loss of natural features that individually or cumulatively contribute to the character of the settlement or its setting; and
- III) Has no unacceptable impact on the amenity and character of the locality by way of noise.

POLICY MD7 - ENVIRONMENTAL PROTECTION – states developments will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity or natural environment from:

- I) Noise pollution.

Future Wales: The National Plan 2040:

15. 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:

16. National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the matters considered in this report.
17. 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.

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

19. Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

Section 3.9 states ‘the special characteristics should be central to the design of a development. The ... visual appearance of a ... development and its relationship to its surroundings are important planning considerations’.

20. Chapter 6 - Distinctive and Natural Places

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

Section 6.3.3 states ‘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’.

Welsh National Marine Plan:

21. National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this authorisation. 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.

Other relevant evidence or policy guidance:

- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

Well Being of Future Generations (Wales) Act 2015:

22. 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.

Reasons for Serving an Enforcement Notice

23. The unauthorised use of the land for the storage of construction and other miscellaneous items, machinery and associated buildings results in a high volume of commercial construction goods and waste materials being stored on agricultural land in a rural setting. The appearance of the stored items and buildings are commercial in nature and the volume of such items is far from what would normally be expected within the rural setting of the site and is harmful to the rural character of the land. These items are readily visible from neighbouring properties and the surrounding land.
24. As such, the scale of the unauthorised use of the land results in the loss of countryside which is detrimental to the character of the area. Furthermore, the cumulative impact of the stored items, machinery and buildings is visually unattractive and is detrimental to the local landscape interest and also the visual amenities of neighbouring properties. In addition, the movement, sorting, collecting and delivery of items, rubble and machinery is a noisy and disruptive process which detrimentally impacts the character of the area and amenities of neighbouring properties by way of noise disturbance.
25. In view of the above, the development is contrary to Policies MD2, MD5 and MD7 of the Local Development Plan as well as guidance set out in Planning Policy Wales (Edition 11).

Conclusions

26. Whist the owner of the land has submitted an application for a Lawful Development Certificate (2021/01455/LAW) for the eastern field, this has failed to demonstrate that the use of the land for the storage of construction related goods is lawful and the existing use of the land therefore remains unauthorised. Similarly, no evidence has been forthcoming to indicate the central and western fields have been used for the storage of construction related goods in excess of 10 years and historic aerial images reflect this. If the current unauthorised use of the land were to continue without enforcement action being taken, then there is the potential for this use to become lawful over time and this is why enforcement action is considered expedient at this time.
27. The unauthorised use of the land for the storage of construction items, plant/machinery and associated structures and buildings is detrimental to the character of the area and residential amenity and is contrary to Policies MD2, MD5 and MD7 of the Local Development Plan as well as guidance set out in Planning Policy Wales (Edition 11, 2021).
28. It is considered that the decision would comply 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.

Resource Implications (Financial and Employment)

29. 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)

30. 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).
31. 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)

32. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
- (i) The cessation of the use of the land for the storage of:
 - (a) construction related goods including (but not limited to), building materials, fittings, fixtures, signage, ladders, paint, machinery, bricks, fencing, sheds, tubing, wheelbarrows, tubs, woodwork, pallets and UPVC frames and other miscellaneous items;
 - (b) construction related waste materials including (but not limited to), rubble, tubs, woodwork and pallets;
 - (c) a prefabricated unit, shed and other buildings, along with the remains of a roof.
 - (ii) The permanent removal from the land of the:
 - (a) construction related goods including (but not limited to), building materials, fittings, fixtures, signage, ladders, paint, machinery, bricks, fencing, sheds, tubing, wheelbarrows, tubs, woodwork, pallets, UPVC frames and other miscellaneous items;
 - (b) construction related waste materials including (but not limited to), rubble, tubs, woodwork and pallets;
 - (c) prefabricated unit, shed and other buildings, along with the remains of a roof.
- (2) 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

- (1) It appears to the Council that the above breach of planning control constituting the change of use of the land from agriculture to a mixed use of agriculture and the storage of construction items and waste, plant/machinery, the siting of a pre-fabricated container and other associated buildings has commenced within the last 10 years.
- (2) The unauthorised change of use of the land has resulted in a large volume of commercial items, waste as well as associated machinery and buildings stored on agricultural land in readily visible positions. This results in the loss of open countryside which is detrimental to the rural character of the area and to the visual amenities of local properties. Furthermore, the movement, sorting, collecting and delivery of items, waste and machinery is a loud and disruptive process which further detrimentally impacts the amenities of neighbouring properties by way of noise disturbance and further detrimentally impacts the character of the area. The unauthorised use of the land for the storage of construction items, plant/machinery and associated structures and buildings is therefore considered to be contrary to Policies MD2, MD5 and MD7 of the Local Development Plan as well as guidance set out in Planning Policy Wales (Edition 11, 2021).
- (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.

Background Papers

Enforcement File Ref: ENF/2020/0399/PRO

Contact Officer - Mr. B Worrall, Tel: 01446 704 651

Officers Consulted:

N/A

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 JULY, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

ENFORCEMENT ACTION

B) LAND AND BUILDINGS AT 101, PORT ROAD WEST, BARRY

Executive Summary

This report seeks authorisation to issue an Enforcement Notice under section 172 of the Town and Country Planning Act 1990 (as amended) in respect of the grey roof tiles, boundary wall and dormer window recently constructed at the property.

The report recommends that an Enforcement Notice is issued requiring the replacement of the roof tiles on the existing dwelling and extension with a suitable alternative that matches the colour and texture of the original dwelling, lowering the 1.8m high boundary wall and the finishing of the dormer window in materials that match the roof of the original dwelling. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

Background and Site Description

1. This case relates to non-compliance with approved application 2020/01082/FUL, which included a two storey side extension, alterations to an existing garage and rear extension. The application was approved on 9th November 2020 subject to conditions requiring the development to be carried out in accordance with the approved plans and elevation drawings and a further condition stipulating that the consent did not relate to the boundary treatments referenced in the application form or superseded plans. The approved plans detailed that the roof of the extension would be finished in brown concrete tiles to match the existing roof.
2. On 28th April 2021, prior to the receipt of the complaint, the owner of the property wrote to the Council advising that she was changing the roof tiles to slate as the original roof tiles were on a long order time and as the slate tiles were considered to improve the appearance and durability of the house. On 14th May 2021, the owner also confirmed that in addition, it was her intention to change the tiles on the existing roof. In response, the planning case officer confirmed on 14th May 2021 that planning permission would be required to change the roof tiles and that the Council may raise concerns as the entire street was finished in tile and it was considered that the addition of slate would look very different to the remainder of the street.

3. No further response was received from the owner however on 17th August 2021, a complaint was received by the Local Planning Authority regarding works which were being carried out to the property including extensions and outbuildings and the boundary wall which had been erected up to 1.8m in height. Following further investigation, it was also identified that the roof tiles on the extension were contrary to what had been approved under the recent planning application (2020/01082/FUL) and the roof tiles on the original dwelling had also been replaced in breach of planning control.
4. The dwelling is located within the Barry settlement boundary. The property is sited on Port Road West and forms a frontage onto Highlight Lane which is shown in the plan below:



5. The original approved application granted consent for a new two storey side extension (2020/01082/FUL). Initially the proposal sought to add a 1.8m tall boundary treatment, however following concerns raised by the case officer at the time the application, this was omitted from the application. The roof of the extension was shown to be finished with brown concrete tiles, to match the existing dwelling, adjacent attached property and wider street scene.
6. However, the roof of the existing dwelling has been stripped of its brown concrete tiles and replaced with smooth finish dark grey tiles and the boundary wall has been built to 1.8m, retaining the design which was outlined in the original plans which were amended to provide a 1m boundary wall. The

development undertaken is not considered to comply with the planning permission nor can it be considered to be 'permitted development'.

Details of the Breach

7. As noted from the planning history set out later in this report, the previous planning permission reference 2020/01082/FUL granted consent for the construction of a new two storey side extension. The approved plans (inset below) detailed that the roof tiling of the extension would match that of the existing brown concrete tiling found on the main house and the neighbouring properties. Following an investigation (see the photograph inset), it was determined that the roof tiles used in the roof of the extension were not in accordance with the approved scheme as the entire roof has been finished with smooth grey cement tiles, the appearance of which is significantly different to nearby properties.



Elevation from approved scheme 2020/01082/FUL



Image taken on site visit November 2021

8. The replacement of the roof tiles on the existing dwelling house are also considered to be an alteration to the dwelling that constitutes development. Whilst there are certain permitted development rights granted under Class B

and C of Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) relating to an addition or alteration to the roof of a dwellinghouse, those permitted development rights are granted subject to the following condition:

'(a) the appearance of the materials used in each element of any exterior work must so far as practicable match the appearance of the materials used in the majority of the equivalent element of the existing dwellinghouse'

9. The materials used to replace the roof tiles are not considered to match the appearance of the materials of the existing roof. Accordingly, the development is not considered to comply with the above-mentioned condition and, as such, cannot be considered to be 'permitted development' benefitting from the provisions of the 1995 Order. Planning permission is therefore required for the new roof tiles.
10. In addition, the boundary wall which faces Highlight Lane and the neighbouring property at 2 Highlight Lane does not benefit from that planning permission and exceeds what can be erected as permitted development. The wall along the boundary has been built with 1.8 m pillars, and the wall along the boundary between 2 Highlight Lane is approximately 2 m in height.
11. A dormer window has also been constructed in the roof at the rear of the property and whilst the size and location of the dormer window would fall within the permitted development criteria relating to roof alterations, the fact that the exterior materials that have been used comprise grey plastic cladding means that it also requires planning permission as it fails to comply with the condition identified above (relating to matching materials).

Action Pursued to Date

12. Following a site meeting with the owner of the property to discuss the breaches identified, it was confirmed on 13th September 2021 that the 1.8m wall that was under construction at the property was not part of the amended approval. It was confirmed that the owner's planning agent had been advised prior to the determination of the application that the construction of a 2m high wall or a dwarf wall with fence above would not be considered acceptable and on that basis, amended plans had been submitted removing the wall from the scheme. It was therefore requested that all of the walls and pillars which had been constructed on site were reduced to a height of no more than 1m above ground level, including the wall that had been constructed between the detached building and the pavement adjacent to the drive. It was confirmed that this was the height that a wall could be constructed under 'permitted development' which would not then require planning permission.
13. It was also confirmed to the owner that the planning case officer had discussed the position of the roof tiles with her and had previously confirmed by email on 14th May 2021, that she would need planning permission to change to roof tiles from brown concrete tiles, which were shown on the approved plan, to grey tiles. It was identified that officers had also raised

concerns at the time regarding the acceptability of using an alternative material due to the impact it may have on the remainder of the street. It was therefore requested that she either revert back to the approved roofing material of brown concrete tiles or submit a planning application if she wished to retain the grey tiles, however it was confirmed that given the concerns that had been previously raised, there was no guarantee that this would be considered favourably.

14. The owner was advised that appropriate advice had been provided by the planning case officer regarding the acceptability of both the boundary wall and roof tiles, however she had continued with these works which were now unauthorised. It was therefore requested that she immediately stop all of the unauthorised works.
15. The owner confirmed on 15th September 2021 that the pillars would be removed and the wall retained at a height of 1m and rendered white. The owner also suggested that planning permission was not needed to change the roof materials and confirmed that the material used was a cement based tile and this was a preferred material due to the loft conversion and that there had been a 20 week wait for the approved concrete brown tiles.
16. Following further discussions with the owner's architect on site, it was confirmed that officers did not consider that the existing grey tiles were acceptable due to the visual impact of retaining tiles with a different colour, texture and profile on the existing property and the detrimental impact that this had on the wider street scene. As the tiles had been installed without the benefit of planning permission and were unauthorised, there was therefore no alternative but to recommend that enforcement action was taken in order to secure their removal and replacement with a more acceptable tile, as proposed in the previous planning application. It was confirmed that whilst the option of submitting a planning application to retain the tiles remained open, such an application was unlikely to be supported.
17. Whilst the owner subsequently confirmed in January 2022 that she was in the process of submitting a planning application, no application or further information has been received and no further changes have been undertaken to the property in order to regularise the current breaches of planning control.

Planning History

18. The site benefits from the following planning history - 2020/01082/FUL, 101, Port Road West, Barry Two storey side extension, alterations to existing garage and rear extension. Decision: Approved.

It is noted that consideration of this application paid particular attention to the design and visual impact of the proposal on the area as evidenced by the following extract of the officer's report:

"The proposed extension would be finished with matching brick and render, both of which are widely present in the existing street scene. It is therefore

considered that the proposed extension and alteration, both in terms of their design and visual impact, are acceptable and would comply with policies MD2 and MD5 of the Council's LDP."

"Initially, the proposal sought to add a 1.8m tall boundary treatment along the boundary. However, following Officer's concerns this element has been removed."

There is no other planning history for the property.

Planning Legislation

19. Section 173 of the Town and Country Planning Act 1990 states that in relation to the contents and effect of an enforcement notice:

(3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.

(4) Those purposes are -

(a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or

(b) remedying any injury to amenity which has been caused by the breach.

(5) An enforcement notice may, for example, require -

(a) the alteration or removal of any buildings or works;

(b) the carrying out of any building or other operations;

Policy and Guidance

20. Welsh Government advice on the enforcement of the planning control is found in the Development Management Manual (Revision 2, May 2017). This states that 'Where an LPA considers that an unauthorised development is causing unacceptable harm to public amenity, and there is little likelihood of the matter being resolved through negotiations or voluntarily, they should take vigorous enforcement action to remedy the breach urgently or prevent further serious harm to public amenity.'

Local Development Plan:

21. 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 Managing

Development Policies:

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

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

Future Wales: The National Plan 2040:

23. 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:

24. National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the matters considered in this report. 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 enforcement case:

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

Para 3.9 P.6

“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.”

Technical Advice Notes:

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

TAN 12 – Design

“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.”

“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.”

Supplementary Planning Guidance:

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

- Residential & Householder Development

Welsh National Marine Plan:

27. National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this authorisation. 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.

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

Well Being of Future Generations (Wales) Act 2015:

28. 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.

Reasons for Serving an Enforcement Notice

29. LDP policy MD2 - Design of New Development and MD5 – Development within Settlement Boundaries state as follows:

MD2: Design of New 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 landscapes of interest.”

30. *MD5 – Development within Settlement Boundaries*

New development..... will be permitted where the proposed development:

“Is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality”

31. Furthermore, the Residential and Householder SPG provides advice in section 8 on the choice of materials to be used in new development. It states:

8.3.2 Key Principles:

- (i) In most circumstances the materials used for the development should match and replicate those used on the property.*
- (ii) Where alternative materials and finishes are proposed, they should complement the colours, tones and textures of the original property and buildings in the surrounding area.*

32. The above policy and guidance is supported by the principles of good design set out in PPW and TAN12.

33. The principal issues to consider in this case are matters of design, visual impact, and impact upon the street scene. It is considered that the grey cement based tiles that have been used in the replacement of the main roof and the extension of the dwelling have an appearance that is in stark contrast with that of the neighbouring properties. The colour and style of the cement tiles that have been used creates pronounced smooth finish across the roof plane; such an effect is not characteristic of the roof finish of the properties within the context of the site. As demonstrated in the photographs below, this roof finish is clearly at odds with and out of keeping with that of the adjoining property, which is characteristic of the inter war period properties which are prevalent in the area.



Photo below of the row, pre-works:



The photo below shows the rear dormer:



34. Furthermore, the property is located at the end of a row of similar semi-detached properties fronting onto Port Road West. As a result of its prominent position in the street scene, the change of roofing materials provides a highly visible and discordant feature in the immediate street scene and also from longer distance views along Port Road West. There is a clear and pleasant uniformity to the materials on the dwellings in the wider row, and that consistency contributes positively to the character of the street. While this is the end property in that row, the works still appreciably ‘jar’ with the character of the row, such that they appear visually incongruous and are harmful to the appearance of the street scene.
35. The 1.8m high boundary treatment of the main dwelling is also out of keeping with neighbouring properties and the character of the area. Whilst a similar boundary treatment was originally proposed as part of the approval, this element was removed from the application as it was considered that it would result in the loss of the open character of the street scene, particularly the frontages along Highlight Lane and constitute an intrusive and detrimental feature in the street scene and was therefore considered unacceptable. The photo below shows the pre-development situation, with an open frontage/side to the curtilage, which is consistent with the adjacent enclosures and character along Port Road West and Highlight Lane to the side:



The works have enclosed this area to the side and have resulted in an enclosure which is visually incongruous in the street and fails to respect the open character along the frontages on Highlight Lane.





36. The following photos show the stark contrast of property prior to the works being carried out on site. Photo 1 is the original colour and finish of the roof tiles and the 1 m boundary wall, whereas Photo 2, 3 and 4 show the unauthorised works which have been carried out, part way through construction.

Photo 1



Photo 2



Photo 3



Photo 4



37. In view of the above, both the colour and finish of the roof tiles and the height/alignment of boundary wall are considered to harm the character and appearance of this dwelling and the character of the surrounding area, contrary to Policy MD2. When considering the position of the property in conjunction with the neighbouring properties, the difference in external finish in the form of the roof tiling and the height and position of the wall/fence, the development is not considered sympathetic to or respectful of its immediate setting or wider surroundings as required by Policy MD5.

Conclusions

38. Whilst the owner has previously been granted planning permission for alterations and extensions to the property (2020/01082/FUL), the extension has not been carried out in accordance with the approved scheme and other alterations have been undertaken which do not constitute permitted development and therefore require planning permission. Whilst the siting and dimensions of the extension complies with the approved application, the grey roof tiles and boundary wall are contrary to the approved scheme and are considered to have an adverse impact on the existing dwelling, surrounding properties and wider street scene.
39. While the action sought below would mean that the dormer extension would be finished in materials that do not match the remainder of the roof, it is considered on balance that the dormer extension is acceptable in the materials as used. While a different material (or colour of cladding) would have resulted in a dormer which better assimilates into a brown tiled roof, dormer extensions of contrasting materials and finishes are not uncommon and given that it remains a fundamentally 'dark' colour, it is considered that it would not, on balance, be unduly harmful. For example, a white clad dormer is much less likely to be acceptable, given the stark contrast to the main roof. This does not infer that the main roof material should also be seen as adequately assimilating with the adjoining semi and wider street scene. The dormer is an ancillary feature on the rear plane and it remains the case that the change in materials on the principle roof is harmful when viewed from Port Road West to the front in particular.
40. Despite meetings and correspondence with the owner of the property, no further attempts have been made to regularise the position or to remove the unauthorised development which is considered unacceptable. The development is therefore considered to conflict with policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of New Development) and MD5 (Development Within Settlement Boundaries), of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the Council's Supplementary Planning Guidance on Residential & Householder Development, PPW Edition 11 (2021) and Technical Advice Note 12: Design.
41. 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.

Resource Implications (Financial and Employment)

42. 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

43. 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).
44. 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)

45. None.

RECOMMENDATION

1. 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:
 - (i) The removal of the grey cement roof tiles on the existing dwelling and their replacement with a suitable alternative that matches, as far as practicable, the colour and concrete texture/profile of the tiles on the original dwelling and adjoining property.
 - (ii) The removal of the grey cement roof tiles on the two-storey side extension and their replacement with a suitable alternative that matches the colour and concrete texture/profile of the tiles on the original dwelling and adjoining property.
 - (iii) The reduction of the 1.8m high boundary wall/fence constructed around the boundary of the garden to a height of no more than 1m above ground level.
 - (iv) The removal of all waste materials resulting from the taking of steps (i) – (iv) above from the site.
- (2) 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

- (1) It appears to the Council that the above breach of planning control constituting operational development - the re-roofing of the original dwelling and the construction of the boundary wall, have occurred within the last 4 years and the roofing of the extension with grey cement tiles in breach of condition 2. on planning application 2020/01082/FUL, within the last 10 years.
- (2) The development has been undertaken to a residential property within the settlement boundary where development is expected to be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and wider surroundings. The use of grey cement roof tiles on the original dwelling and extension, and boundary wall are considered to be unacceptable as they detract from the character of the existing property and its setting and have an adverse impact on the wider street scene. The development is therefore considered to be contrary to policies SP1, (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries), the Residential and Householder Development SPG, PPW Edition 11 (2021) and Technical Advice Note 12: Design.
- (3) Despite meetings and correspondence with the owner of the property, no further attempts have been made to regularise the position or remove the unauthorised development which is considered to be unacceptable
- (4) 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.

Background Papers

Enforcement File Ref: ENF/2021/0300/PC

Contact Officer - Miss Tanyeli Scarsbrook, Tel: 01446 706123

Officers Consulted:

N/A

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 JULY, 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.

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.

EXECUTIVE SUMMARY

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. It was again reported to Committee on 8th June following a change in applicant from Cadwyn to Hafod Housing, this time to seek an amended resolution that would have allowed for Hafod Housing to claim an exemption from payment of planning obligations. However, this was not agreed and an alternative resolution was passed which again recommended approval, but did not allow for the claim for exemption to be made.

The amended resolution has been put to the applicant. The applicant responded to this matter on 4th July, stating that they do not agree to the planning obligations because they exceed and are contrary to the guidance within Council's adopted Affordable Housing SPG and would divert funding away from the delivery of affordable housing. Given that the planning obligations are, fundamentally, not agreed, and to progress the application to a positive conclusion, Committee must now consider whether to approve the application without the Section 106 contributions, or refuse it.

The proposal is recommended for APPROVAL for the reasons outlined in the body of the report, subject to the deletion of previously recommended condition 9 (affordable housing) and a revised S106 agreement which would secure delivery by Hafod or another partner RSL (or that the contributions in question are paid if the development were delivered by a different, 'non-partner' RSL).

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.

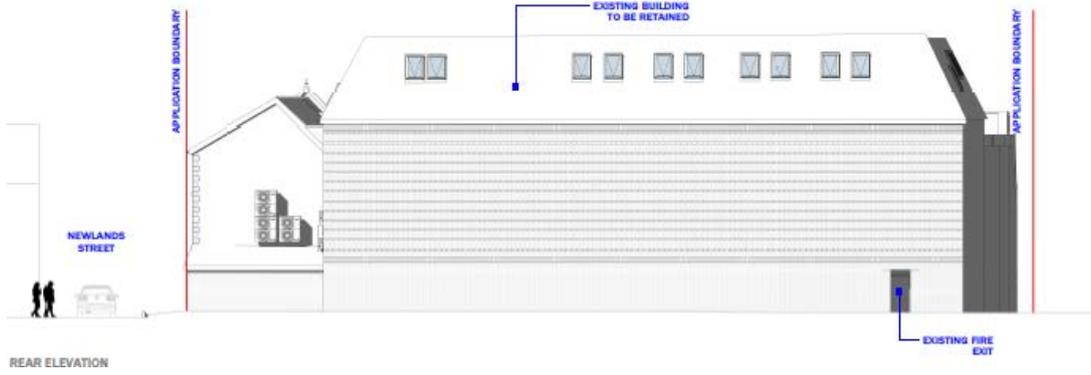
The layout is depicted on the first-floor plan extract below:



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



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

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 were consulted on 10th May 2021 and 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 (July '22) from the council's Homes4U waiting list:

Buttrills	
1 BED	310
2 BED	95
3 BED	54
4 BED	9
5 BED	1
	469

The above figure is lower than the corresponding figure of 558 from May '21 quoted in the original report. Housing Strategy advised the figure has been subject to a substantial one-time fall due to a review, which saw non-respondents removed from the list.

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.

Cllr Ian Johnson provided the following comments on 31st May 2021:

“Although the principle of upper floor housing above Holton Road shops is acceptable and welcomed, the proposal for 25 flats on this constrained site represents an over-development of the area - described in the Planning and Design Statement as 250 units per hectare.

I have concerns about the additional noise generated by this number of residents and the impact upon other local residents. Despite being a town centre location, the area is quiet after shopping hours.

I am concerned that the amount of space given over to waste and recycling within the site is insufficient for the number of anticipated residents.

Despite the town centre location, it should be anticipated that some residents will want to operate a motor vehicle. If the planning application is successful, the Council should consider options for this as the surrounding streets are highly over-subscribed with residential parking permits in operation, rather than just leave this to chance.

I reserve the right to make further observations on this planning application, including at committee.”

Former Cllr Neil Moore provided the following comments on 14th December 2021:

“I have received a representation from a resident that I know personally and who lives in Newlands Street. She is very concerned about the above development, due to the lack of adequate parking in the area already.

I know that she works in the hospitality sector and when arriving home late at night she rarely if ever is able to park in the street as it stands at the moment. She has to park elsewhere and then move her car first thing each morning. I also believe that her husband and neighbours have registered to speak at the planning meeting and made representations, so I am sure they can give you first-hand knowledge and experiences.

Therefore, I would simply ask that Committee consider these concerns before coming to a final decision on the officer’s recommendation to approve the development without any car parking available.”

Buttrills Ward Councillors were consulted on 10th May 2021 and no other responses were received.

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.

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
 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.

Local Development Plan Review Report (May 2022):

Affordable Housing Delivery (Policy SP4 and Policy MG4)

6.3.25. The LDP recognises the pressing need for affordable housing in both urban and rural areas and as such the Plan set a target for the delivery of some 3,252 affordable homes over the Plan period. Between the 2011 and 2021 a total of 1,622 affordable dwellings were provided against a monitoring target of 1,646 dwelling for the same period. Whilst progress on affordable housing delivery has increased since the adoption of the LDP, the level of new affordable housing provided represents approximately 50% of the target, and with 5 years on the plan remaining it is unlikely that the LDP target would be met by 2026.

Future Wales: The National Plan 2040:

Future Wales – the National Plan 2040 is the national development plan adopted in 2021 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. There is a strong emphasis on delivering affordable housing throughout this document, including the following chapters and policies which are of relevance in the assessment of this planning application:

P.50: Housing

“Good quality affordable homes are the bedrock of communities and form the basis for individuals and families to flourish in all aspects of their lives. Future Wales provides evidence of the need for housing across Wales at both a national and regional level. This evidence demonstrates the need for a focus on increasing the delivery of social and affordable homes. The Welsh Government is targeting its housing and planning interventions towards achieving this aim within the broader context of increasing supply and responding to different needs, including our ageing society and climate change.”

Policy 7 – Delivering Affordable Homes

The Welsh Government will increase delivery of affordable homes by ensuring that funding for these homes is effectively allocated and utilised. Through their Strategic and Local Development Plans planning authorities should develop strong evidence based policy frameworks to deliver affordable housing, including setting development plan targets based on regional estimates of housing need and local assessments. In response to local and regional needs, planning authorities should identify sites for affordable housing led developments and explore all opportunities to increase the supply of affordable housing.

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)
Paragraph 6.1 sets out the Local Authority’s role in the delivery of Affordable Housing – “*Local authorities have key strategic and enabling roles in the provision of affordable housing.*”
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). 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 (2022)**

11.1. On 5th September 2016, Cabinet agreed that schemes for 100% affordable housing developments of twenty-five residential 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 (Minute C3271 refers).

11.2. Historically, for the majority of 100% affordable housing developments financial contributions were usually sought for sustainable transport, education, public open space, community facilities and public art, to mitigate the impact of such a development, in accordance with the Council's Planning Obligations SPG and evidence contained with the LDP background papers. However, due to the relatively limited subsidy available and the overall cost of delivering new affordable housing, such contributions often made sites marginally unviable. Consequently, this approach seeks to maximise the use of Council funding and any subsidy available to RSLs, in order to maximise the delivery of affordable housing units.

11.3. This approach does not seek to waive any necessary 'in kind' contributions necessary to make a development acceptable in planning terms. There may still be site-specific impact mitigation requirements, without which a development should not be granted planning permission. Some of these needs may be provided for through planning obligations, particularly if they are very local in their impact. Each individual scheme will be considered on its own merits, on a site by site basis.

11.4. It is recognised that the lack of section 106 financial contributions for matters such as sustainable transport, public open space, community facilities and education will inevitably lead to pressure from future residents for those service areas to meet their needs through their own budgets as service providers. However, there is a critical need in the Vale of Glamorgan for affordable housing and previous research has shown that if a person does not live in a stable and good quality home, it can have a detrimental impact on both their health and educational attainment. Therefore, this is a policy decision to prioritise affordable housing over other service areas

- 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.

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 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 site context and relevant planning policies and guidance are described in the Officer's report to Committee on 15th December 2021, **Appendix A** attached. 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.

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.*

An amendment to the resolution was sought following a change in the applicant to Hafod Housing, an identified Housing Association Partner of the Council. 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. This amendment was reported to Planning Committee on 8th June, however an alternative resolution was passed by Members which did not allow for the claim for exemption to be made.

The amended resolution has been put to the applicant. The applicant responded to this matter on 4th July, stating that they do not agree to planning obligations that exceed and are contrary to the guidance within Council's adopted Affordable Housing SPG. The letter is also appended to this report as **Appendix B**. In cases where planning obligations are fundamentally not agreed, the Council must consider whether to approve or refuse the application without them. In reaching this decision, Officers advise Planning Committee must consider the following legislation, policy and guidance:

Firstly, Section 38 of The Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application must be in accordance with the Development Plan, unless material considerations indicate otherwise. This comprises the Vale of Glamorgan Local Development Plan (LDP) 2011 – 2026. This includes Policy MG4 'Affordable Housing' that details the Council's requirements towards affordable housing from residential development. It states that:

Contributions will be made in accordance with the requirements set out in the Council's affordable housing SPG, which provides guidance on viability and the circumstances under which contributions may be varied or reviewed.

The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales and Regulation 122 states that "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."*

In relation to affordable housing developments, the Affordable Housing SPG is highly relevant, as referred to by Policy MG4. The guidance states that 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.

The SPG was originally prepared as background evidence to the Public Examination of the Vale of Glamorgan Local Development Plan. Following public consultation, the amended SPG was approved by Cabinet on 31st July 2017 to be used as a material consideration in the determination of planning applications and appeals in the Vale of Glamorgan (subject to later amendments approved by Cabinet).

Hafod Housing are eligible for the above exemption as referred to explicitly in paragraph 11.2 of the SPG. The exemption is in place to maximise the use of Council funding and any subsidy available to RSLs for the delivery of much needed affordable housing units. These developments are funded partly from the revenues of the provider, which are channelled back into development and public funding, via the Council's Social Housing Grant (SHG). As noted, a policy position has been adopted that assists the Council's affordable housing providers to direct these funds towards delivering new affordable housing, rather than redirecting funding streams for affordable housing toward other local services. In doing so, it must be stressed that addressing the lack of affordable homes is a critical issue, as access to good quality housing improves quality of life of the local population, their wellbeing and, ultimately, the poor social outcomes associated with homelessness.

As referenced in the appended (Dec '21) report to Committee, **Appendix A**, there is an evidenced need for additional affordable housing in the Vale of Glamorgan, quoted therein as 890 affordable units per annum to meet demand in the Vale. This was based upon the 2019 Local Housing Market Assessment (LHMA). The 2021 LHMA (in draft at the time) determined that 1205 additional affordable housing units were required each year to meet housing need in the Vale area. This is a marked increase and illustrates demand comparative to supply had risen. In the Buttrills Ward there is a waiting list of 469 currently.

While the exemption was agreed by Cabinet in 2016, there remains a demonstrable case in favour of prioritising the funding of the Council and its Housing Association partners toward the delivery of affordable housing, as outlined above. Moreover, this approach is consistent with national policy guidance relating to affordable housing, noting the emphasis on delivery contained within Future Wales which was adopted in 2021. Future Wales states that *“the Welsh Government is targeting its housing and planning interventions towards achieving this aim within the broader context of increasing supply (p.50) and that “planning authorities should identify sites for affordable housing led developments and explore all opportunities to increase the supply of affordable housing.”* The Local Development Plan Review Report (May 2022) also found that, while affordable housing delivery has improved upon pre-LDP levels, new affordable housing provided to date represents approximately 50% of the target across the whole plan period (2011-2026). It states that with 5 years on the plan remaining it is unlikely that the LDP target would be met by 2026.

As context, the following figures represent the number of units approved on wholly affordable developments before and after the resolution to exempt contributions on developments of 25 and fewer units. (The numbers relate to applications made in those years as opposed to the approval dates necessarily relating to those years).

Pre S106 exemption in 2016:

2014- 21 affordable units

2015- 57 affordable units (2 consents, both with significantly reduced S106 packages)

2016 (pre September)- 15 affordable units

Post S106 exemption in 2016:

2016 (post September)- 44 affordable units

2017- 43 affordable units

2018- 221 units (across 8 sites)

2019- 104 units

2020- 14 affordable units

2021- 85 affordable units

In specific reference to the planning obligations sought on this site, it is considered appropriate to apply this exemption here. Hafod Housing are eligible, as per the adopted guidance, and the exemption has been widely applied on other RSL and Council led affordable developments. The previous resolution of Planning Committee is noted, however Officers remain minded to recommend that an amendment of the resolution to allow Hafod Housing to claim the exemption is accepted and, moreover, advise that there is no material reason to deviate from adopted guidance which has been applied numerous

times elsewhere. There remains a strong evidence base for the continued application of the exemption on these sites. As noted, if the amended resolution is not agreed by Committee, authorisation for the refusal of the application and the material reasons for doing so is sought instead.

In conclusion, having considered the above, as originally 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 which would secure delivery by a zoned RSL, or if not, that the contributions in question are paid.

RECOMMENDATION

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

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.

APPENDIX A

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:

APPENDIX A

- 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.

APPENDIX A

- 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

APPENDIX A

(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.

APPENDIX A

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

APPENDIX A

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.



0800 024 8968
hafod.org.uk

Cwrt St Hilari
Heol Copthorne
Caerdydd, CF5 6ES

St Hilary Court
Copthorne Way
Cardiff, CF5 6ES

Dear Ian,

2021/00622/FUL – 81-85, Holton Road, Barry

We write further to the reporting of the above planning application to Planning Committee on 8 June.

Hafod are one of the Council's four Housing Association Partners. One of key priorities is to work with the Council to increase the delivery of affordable housing across the Vale, in order to meet the significant affordable housing need that there is. The redevelopment of this site on Holton Road for 25 affordable homes is a key part of that agenda.

The approach of the Council to 100% affordable housing schemes such as this and that they can be exempt from paying financial planning obligations is welcomed. This policy which is set out within section 11 of the adopted Affordable Housing Supplementary Planning Guidance statement is clear in that the Council has taken the decision to maximise the use of Council funding to prioritise the delivery of affordable housing. This results in in the delivery of a greater level of affordable than would otherwise be the case.

The current resolution taken by Members at Planning Committee on 8 July to grant planning permission, subject to total a S106 amount in the region of £200,000, is not agreeable and Hafod will not enter into any S106 on this basis. This resolution is contrary to recommendation of Planning Officers and the Council's planning guidance on this matter – it will negatively impact the delivery of affordable housing. Accordingly, we therefore request that the planning application is reported back to Planning Committee and is approved by Members in line with the Council's SPG which requires no financial S106 contributions for 100% affordable housing developments such as this.

Your sincerely

Cadwgan Thomas
Head of Development

2021/00764/FUL Received on 15 July 2021

APPLICANT: Heritage Coast Campsite Monkash, Cowbridge, Vale of Glamorgan., CF71 7QQ

AGENT: Mr. Andrew Parker Andrew Parker Associates, The Old Farmhouse, Treerhyngyll, Vale of Glamorgan, CF71 7TN

Heritage Coast Campsite, Monkash

Proposed 2 no. new tourist lodges, conversion of existing camp site facilities to form 2 no. tourist accommodation units. Proposed campervan site and tent area with provision of new toilet shower block

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 S Hanks. The reasons provided were that the area is overpopulated with holiday accommodation, increased traffic, narrow lanes, the project is too large and access to the highway from the site is unsuitable and dangerous.

EXECUTIVE SUMMARY

The application site relates to land at Heritage Coast Campsite, Monkash. The site is located on a rural lane approx. 300m west of the Plough and Harrow public house, adjacent to 'Y Felin Fach'.

The proposal is for 2 no. lodges, the conversion of existing buildings within the camp site to form 2 no. tourist accommodation units and the change of use of part of the site to form a campervan site and tent area. A new toilet and shower block building is also proposed.

8 no. representations have been received, most objected to the proposals and all raised concerns. The grounds of objection are summarised in the body of this report, but the principal areas of concern related to the proliferation of tourism accommodation, visual impact, heritage impact, neighbouring amenity, traffic congestion and highway safety. St. Donats Community Council objected to the development for similar reasons.

Having considered the above issues, the proposed development is recommended for APPROVAL, subject to conditions.

SITE AND CONTEXT

The application site relates to land at Heritage Coast Campsite, Monkash. The site is an established tourist site located on a rural lane approx. 300m west of the Plough and Harrow public house, adjacent to 'Y Felin Fach'. It is currently used as a campsite with on-site facilities, including a café/tea room. The site is bounded by a tall hedgerow to the roadside and a belt of trees to the northern boundary, with farmland and open countryside beyond. A public footpath also runs near to the western and northern site boundaries.

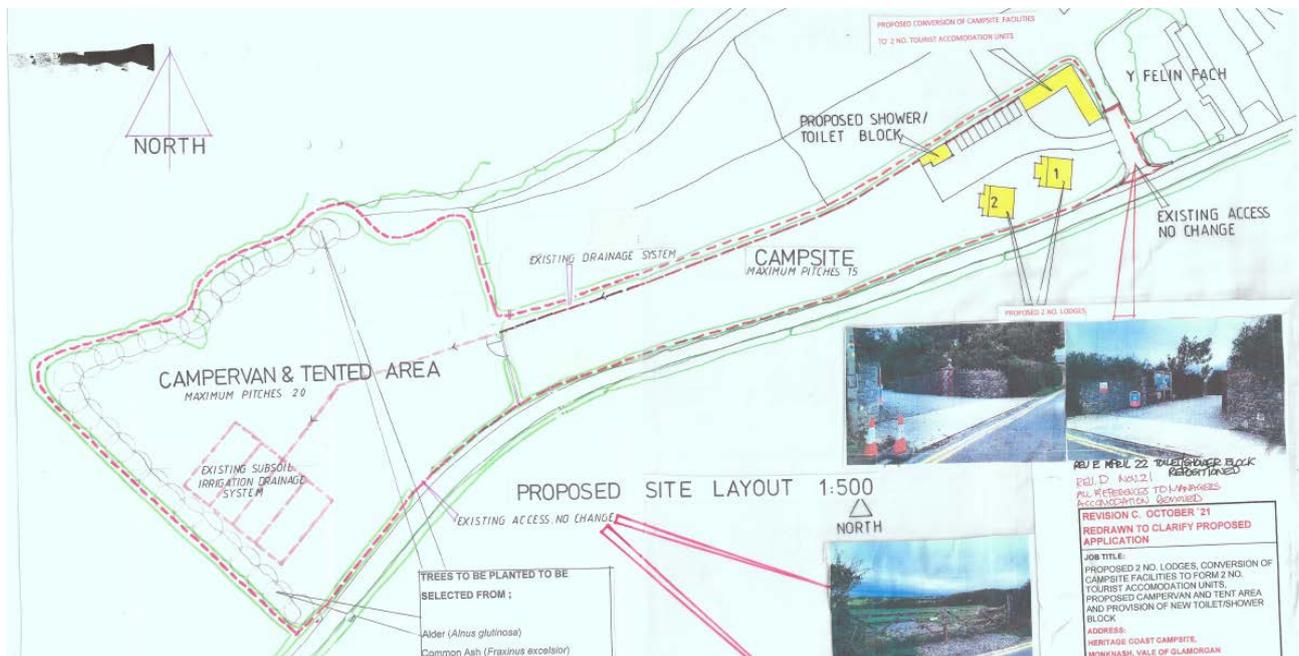
The site is located inside the Glamorgan Heritage Coast and a Category 2 Limestone Safeguarding Area. It is also situated adjacent to the Monkash Conservation Area and the Scheduled Ancient Monument '*Tithe Barn, Dovecot & Remains of Other Buildings*'

(Monknash Grange) and Grade II listed Dovecote are a short distance to the east. The Monknash Site of Special Scientific Interest (SSSI) is also located approx. 400m west.

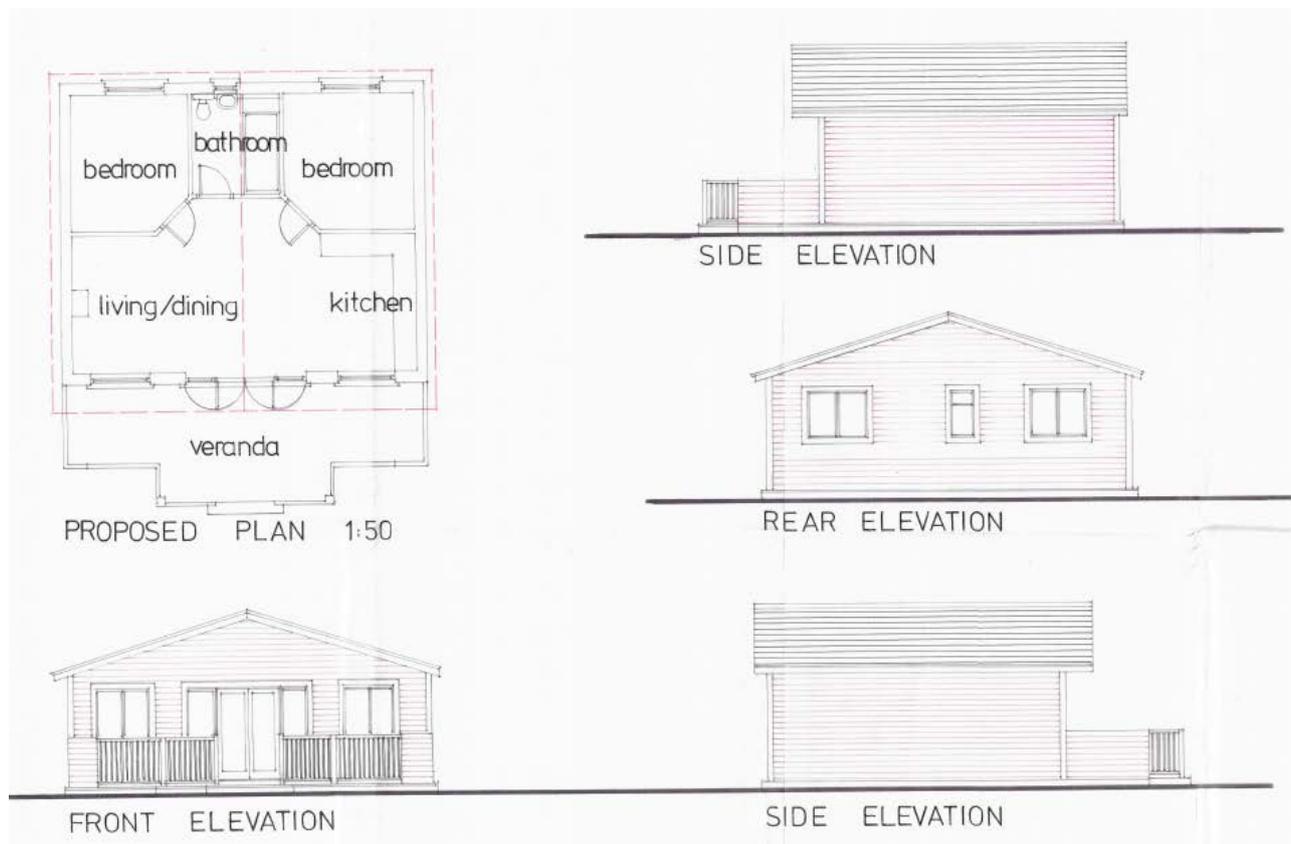
DESCRIPTION OF DEVELOPMENT

Planning permission is sought for 2 no. lodges, the conversion of existing buildings within the camp site to form 2 no. additional tourist accommodation units and the change of use of part of the site to form a campervan site and tent area. A new toilet and shower block building is also proposed. The number of tent and campervan pitches proposed totals 35, which equates to an increase of five above the existing permission.

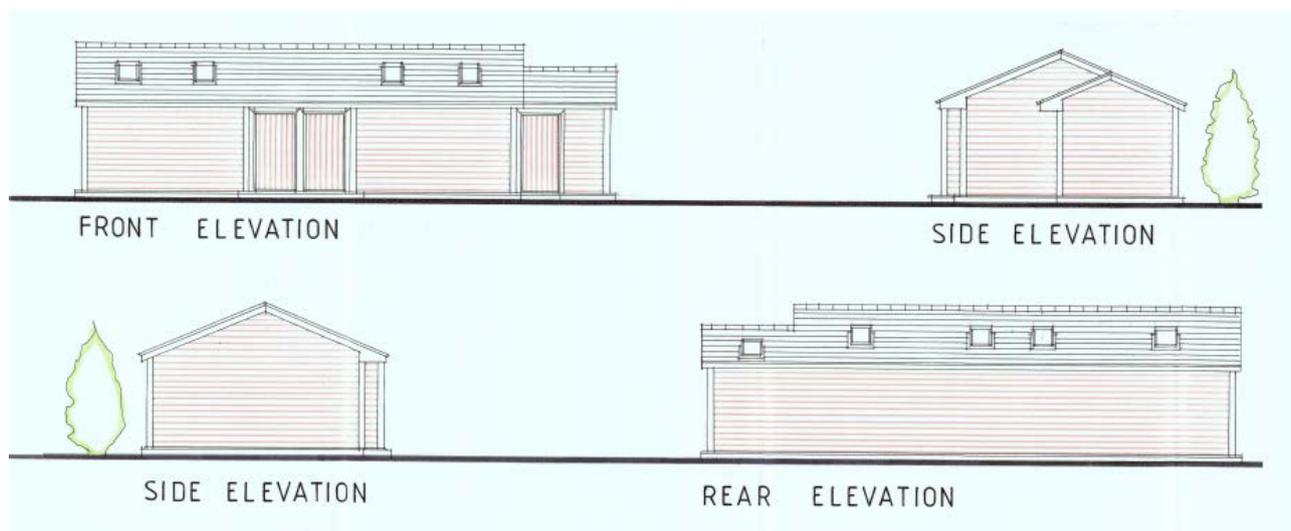
The proposed site layout, as amended, is depicted below:



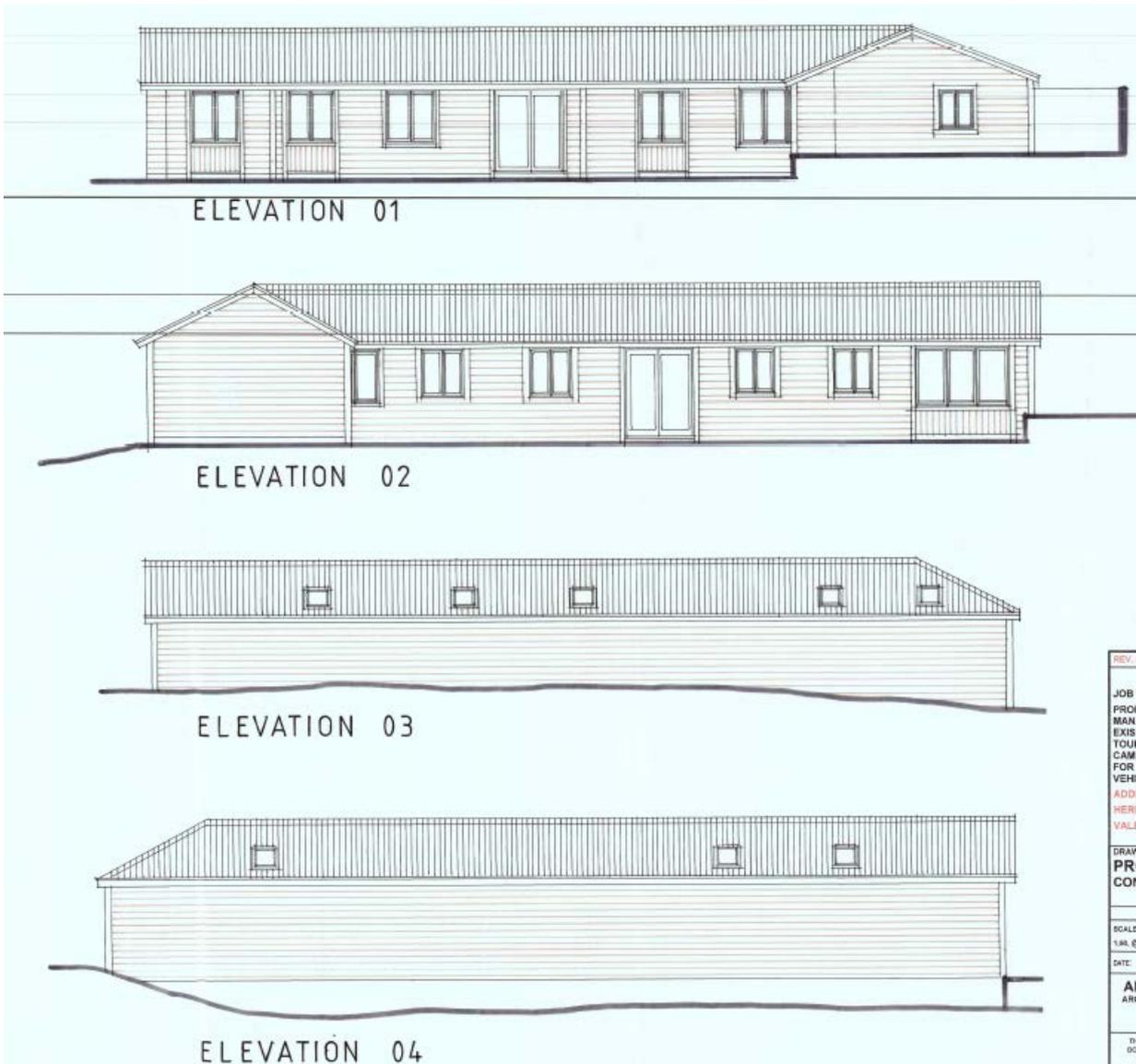
The elevations of the proposed lodges are shown below:



The elevations of the proposed toilet and shower block are shown below:



The proposed elevations of the existing building, as converted, are shown below:



PLANNING HISTORY

2012/00560/FUL, Address: Y Felin Fach, Monknash, Proposal: Proposed development of a campsite, for 30 tents, including ancillary facilities, Decision: Approved

2012/01175/FUL, Address: Y Felin Fach, Monknash, Proposal: Removal of Condition 5, Variation of Condition 4, from application 2012/00560/FUL, Decision: Approved

The planning permission for the existing use relates to the site area shown below:



Condition 2 of the permission states: *The consent hereby granted shall only permit the use of the site for up to, and no more, than 30 tent pitches and does not permit the use of the land for any storage / siting of caravans or static caravans.*

2013/00304/FUL, Address: Land adjacent to Y Felin Fach, Monkash, Proposal: Unisex disabled toilet/shower and baby changing facility, Decision: Approved

2013/00750/FUL, Address: Y Felin Fach, Monkash, Proposal: Drainage works associated with campsite, Decision: Approved

2014/00164/FUL, Address: Y Felin Fach, Monkash, Proposal: Proposed extension to existing camping facility/office/cafe/tea room and store, Tourist Information area to serve campsite. Re-arrangement of accommodation in existing building to re-locate utility room and creation of kitchen, Decision: Approved

2016/01134/FUL, Address: Y Felin Fach, Monkash, Proposal: Amend condition 3 of permission 2012/01175/FUL to allow the opening of the site between 1st March and 31 October in any year, Decision: Approved

2019/00135/FUL, Address: Heritage Coast Campsite and Cafe, Monkash, Proposal: Removal of Condition 4 of Planning Permission 2014/00164/FUL relating to extended opening, Decision: Approved

CONSULTATIONS

St. Donats Community Council objected to the development. The reasons for objection are, in summary:

- Site location – failure to provide supporting documentation relating to the impact upon the Scheduled Monument. If approved, a condition as in line with GGAT recommendations was requested.
- Conservation Area Status – the application fails to improve or enhance the Monkash Conservation Area.
- Highway Issues – failure to implement and enforce original planning conditions for application 2012/00560/FUL (to implement a passing bay) and extreme concerns regarding increase in traffic flows and resultant impact on neighbouring villages and the local highway network.
- Tourism in the area – visual impact to the Glamorgan Heritage Coast, Wales Coastal Path and Scheduled Monuments, as well as a significant impact on biodiversity, local amenity, noise and over-proliferation of holiday development and holiday lets in the Monkash area.
- Lodge for Managers Accommodation - the Tourism and Development SPG states such proposals should be accompanied by evidence of their need. It was requested that a condition was imposed preventing its use as additional holiday let or residential accommodation if the application was approved.
- VoGC Tourism response – disagreements stated due to conflicts with planning policies and guidance.
- Amendment to exclude caravans – should the application be approved it be conditioned that caravans not be allowed on site.

VoGC Highway Development initially raised concerns regarding a proposed additional vehicular access, access by towed caravans, requested the provision of new passing bays and visibility splays. Following revisions to the proposals, they stated no objection subject to the access being completed in bound material for the first 6m into the site and vegetation at the site access being cut back to maintain a visibility splay.

VoGC Tourism & Marketing stated support for the development in principle because, in summary, purpose built accommodation of this nature is not widely available in the Vale. They also stated that the *'nature of the proposed accommodation supports the Vale's aims to become an all year destination, which is a particular strength of the tourism industry in the Vale and sets us apart from other, more notable traditional destinations in Wales'*.

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

Gwent Glamorgan Archaeological Trust stated, in summary, that there was a likelihood the site contained archaeological resource as remains from the nearby grange are unlikely to be confined to the site of the Scheduled Monument. It was recommended that a condition requiring approval of a written scheme of investigation for a programme of archaeological work, envisaged to be a watching brief, was attached to any planning consent.

Cadw (Ancient Monuments) initially requested further information. Following submission of a (heritage focused) Landscape and Visual Impact Statement they stated that they had concerns about the impact on the scheduled monuments. However, if mitigating measures were undertaken, their concerns about the impact would be reduced. The response goes on to state that CADW '*concur with the results of the report and that with the recommended planting the impact of the proposed development will be acceptable*'.

VoGC Ecology Officer – no response received to date.

Shared Regulatory Services (Environment) requested the inclusion of conditions relating to unforeseen contamination and imported aggregates and provided advisory notes relating to contamination and unstable land.

Cllr S Hanks objected to the development for the following reasons:

- This area is overpopulated with holiday accommodations.
- There will be increased traffic with motor homes, caravans and tents.
- These are narrow country lanes without passing places.
- This project is too large.
- Access to the highway from the site is unsuitable and dangerous.

Llantwit Major Ward Councillors – no response received to date from the other ward councillors.

REPRESENTATIONS

The neighbouring properties were consulted in July 2021 and re-consulted on 1st November 2021. A site notice was also displayed on 6th August 2021.

8 no. representations have been received, most objected to the proposals and all raised concerns. The grounds of objection and areas of concern have been summarised below:

- Traffic congestion/ road obstruction
- Local lanes unsuitable for larger/ towed vehicles and have limited passing opportunities
- Detriment to highway and pedestrian safety
- Loss of hedgerow
- Detrimental and permanent visual impact
- Detrimental impacts to Monknash Conservation Area
- Detrimental impacts to Glamorgan Heritage Coast
- Detriment to local amenity
- Detriment to local tourism assets, including footpaths from erosion and overuse
- Does not represent sustainable tourism development
- Over-proliferation of tourism accommodation in the area
- Cesspit and drainage adjacent to public road
- Insufficient/ mishandled public consultation
- Proposal unnecessary
- Proposals could be used year round / would have character of a dwelling
- No justification provided for manager's accommodation
- Conflicts of interest regarding agents position on Planning Committee
- Detriment to biodiversity, SSSI, local nature reserve (uplift in walkers/ tourists)

The application has been subject to substantive consultation in excess of regulatory requirements, the results of which are summarised above. The agent was a member of Planning Committee at the time of application, but this is no longer the case. Moreover, there are procedures in place which ensure independent decision making happens whenever conflicts of interest arise.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP9 – Minerals
POLICY SP10 – Built and Natural Environment
POLICY SP11 – Tourism and Leisure

Managing Growth Policies:

POLICY MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species
POLICY MG22 – Development in Minerals Safeguarding Areas
POLICY MG27 – Glamorgan Heritage Coast
POLICY MG29 – Tourism and Leisure Facilities

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD13 - Tourism and Leisure

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

Future Wales: The National Plan 2040:

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

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 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 14 – Coastal Planning (1998)
- Technical Advice Note 18 – Transport (2007)
- 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)
- Conservation Areas in the Rural Vale
- Conversion and Renovation of Rural Buildings (2018)
- Design in the Landscape

- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Tourism and Leisure Development (2019)
- Trees, Woodlands, Hedgerows and Development (2018)
- Monknash Conservation Area Appraisal and Management Plan

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 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 tourism led policies of the Local Development Plan, comprising Policies SP11 (Tourism and Leisure), MG29 (Tourism Facilities) and MD13 (Tourism and Leisure), support low impact and sustainable rural tourism-related development. It is noted that representations have been received opposed to the principle of further tourism development in the area and that, balanced against the number of dwellings, the number of existing and/or consented holiday accommodation units in Monknash is comparatively high and other consented schemes exist for other tourism related development in the area, such as barn conversions. However, there is no policy requirement for new tourism proposals to be justified based on evidenced need. The sustainable use of the countryside and the Glamorgan Heritage Coast is promoted in policy terms.

The proposals would neither impact upon the existing housing stock nor be inherently detrimental to the character of the area and cohesion of the local community. The Council's Tourism and Marketing Officer; as noted in the consultations section of this report above; has also stated their support for the development in principle.

The principal consideration is therefore the extent that the proposals can be considered 'low impact' and 'sustainable' tourism as defined by Policies MD13 and MG27 and have an acceptable impact on the countryside as required by Policy MD1 (Location of New Development) of the LDP.

Firstly, the land (considering the fall-back agricultural use of the western field parcel) is predicted to be Grade 4 quality according to Welsh Government Agricultural Land Classification (ALC) maps. This is not amongst the 'best and most versatile' as defined by Policy MD1 of the LDP. There are also no significant implications in relation to mineral resource safeguarding as the heritage coast is unlikely to be considered a suitable area for future extraction and therefore the provisions of Policy MG22 of the LDP are considered to be satisfied.

The Council has also adopted additional guidance comprising the Tourism and Leisure Development (2019) SPG. In relation to development within the Heritage Coast, this document states:

"7.12.2. ...Policy MG27 (Glamorgan Heritage Coast) allows for development that is essential for informal recreation activities (e.g. footpaths, interpretation centres, equipment hire facilities) and low impact tourism which would not prejudice the intrinsic environmental and heritage qualities of the Glamorgan Heritage Coast. Examples of low impact tourism uses could include camp sites, glamping accommodation (such as yurts, tepees, bell tents), pop up open air music events, food and drink festivals and craft fairs which are often seasonal and small scale but can bring significant economic benefits to the local area."

New 'low impact' tourism development, such as that described within the Tourism and Leisure Development SPG, would include accommodation such as camp sites, where no significant permanent buildings or other services are required to facilitate them. Lodges are not explicitly mentioned as an example of *low impact tourism* in the SPG document. However, neither are they excluded and although their impact would be greater than a tent site, the magnitude of the impact must be considered on a case-by-case basis having regard to scale, design, and the local topography and wider context. The use of the lodges as tourism accommodation only can be secured by condition (see condition 13).

This, together with the other key considerations such as local amenity, highway safety and heritage assets, is discussed in more detail below. The use of one of the units as manager's accommodation has now been omitted.

Landscape/ Glamorgan Heritage Coast

There is an established campsite with existing toilet, shower, and café facilities on the site, along with associated services. As outlined in the planning history section; planning permission has been granted for the campsite use (for up to 30 pitches) on part of the site. The existing buildings are located to the eastern part of the site adjacent to the vehicular access. There is a concrete hardstanding and apron here also, and the remainder of the land is grassed and devoid of any permanent buildings. The site is bounded by a tall

hedgerow to the road, a copse to the west, and a narrow belt of woodland lining Nash Brook to the north. A public footpath is located on the adjacent field to the west and north, albeit views into the site are partially screened by foliage in summer.

The proposed lodges and toilet block would expand built development at the site westwards, albeit development would remain concentrated in the eastern area. The proposed toilet block would be adjacent to the northern boundary and have minimal impact on the landscape. The two detached lodges are located adjacent to the southern boundary where the tall hedgerow also offers screening, albeit limited views of the upper structure/ roof of these may be possible from the road. The design of the lodges has been consolidated since the submission of the application, with the expanse of roof reduced, and 2 no. units have also been omitted entirely. The visual and landscape impact of the proposed buildings, as revised, would be low overall. The proposed timber lodges are not characteristically very urban or domestic and are considered suitable in design for the rural context. The plans indicate a parking and turning area adjacent to the proposed toilet block. Whilst this is relatively unobtrusive, it could be further rationalised considering most campers will park adjacent to their pitches. Therefore, further details of the proposed layout and surfacing is recommended to be agreed by condition (see condition 9).

In part due to the topography, the western field is the most visually prominent and sensitive part of the site. There are glimpsed views into this field at various points on the footpath. There is no extant planning permission for a campsite in this area (see planning history section), however temporary uses such as camp sites can form 'permitted development' for up to 30 days in the year. Tents and vehicles in this field can be seen from the adjacent footpath and the photograph below is an illustrative example of the visual relationship. Such views into the site will be more pronounced in winter, albeit these periods would not typically coincide with the peak tourist season.



(view across Nash Brook toward western parcel of the site)

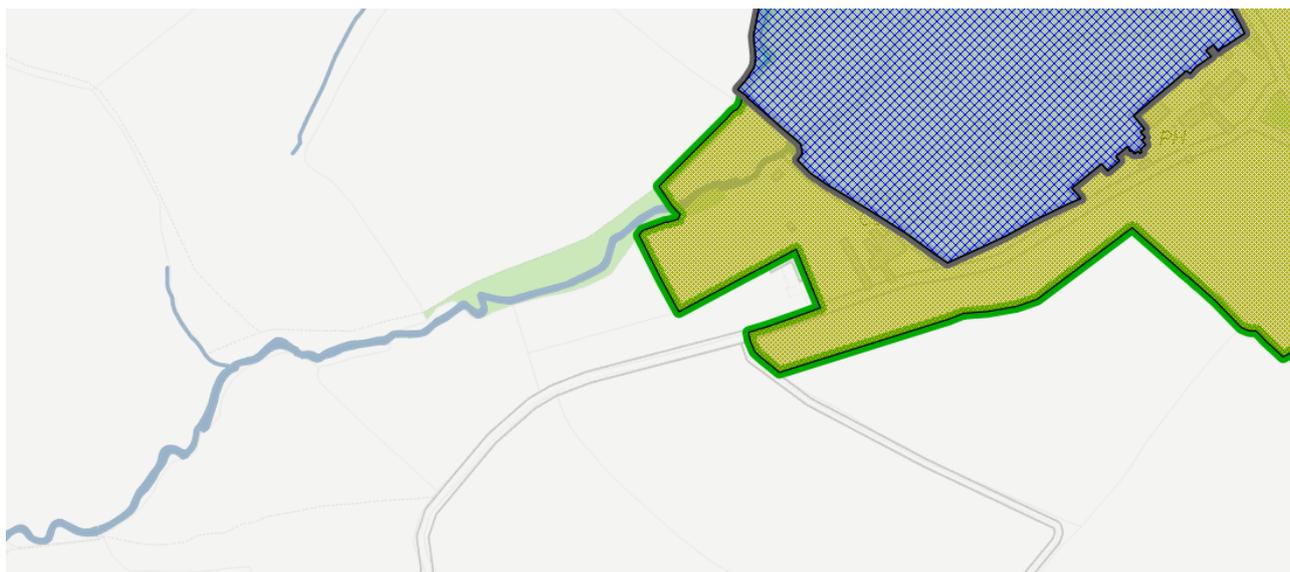
The proposal seeks planning permission for the operation of the tent and campervan site in this field on a formal basis. Given no built development is proposed here, the expansion of the tent and campervan site into the western field is considered acceptable and would have a low, transient impact on the immediate environs and wider landscape.

In relation to tourism benefit, the Council's Tourism and Marketing department commented that purpose-built accommodation of this nature is not widely available in the Vale. They also stated that the *'nature of the proposed accommodation supports the Vale's aims to become an all year destination, which is a particular strength of the tourism industry in the Vale and sets us apart from other, more notable traditional destinations in Wales'*.

These proposals are considered to accord with the definition of *'low impact'* tourism, in compliance with Policies MD13 and MG27 of the LDP and would also not harm the special environmental qualities of the Glamorgan Heritage Coast. Moreover, it is considered acceptable in relation to the localised impact on visual amenity, as well as the wider countryside and landscape impact.

Heritage

The extent of the Monknash Conservation Area (green) and the Scheduled Monument site (blue) of Monknash Grange are outlined on the below image. The whole of the site is located outside of these areas, apart from the existing vehicular access to the site (via/ shared with Y Felin Fach), which is inside the conservation area boundary.



Scheduled Ancient Monuments (inc. Monknash Grange)

In consultation, CADW initially requested further information and a (heritage focused) Landscape and Visual Appraisal was submitted. It considered the impact of the proposed development on the settings of scheduled monuments GM143 Tithe Barn, Dovecot & Remains of Other Buildings (Monknash Grange) and GM614 Cwm Nash Defended Enclosure. The report concludes that there would be no impact to the former due to intervening buildings and vegetation. This is agreed and there would similarly be no impact to the settings of the listed buildings within the area of the grange.

There is inter-visibility between the site and the Cwm Nash Defended Enclosure to the west and the report concluded that an impact would occur to its setting, but that it could be mitigated by tree planting. CADW concluded in their response that the impact would be acceptable subject to this mitigation being provided. The revised site layout indicated trees

would be planted to the intervening field boundary. The impact of the development is considered acceptable subject to this mitigation and a more precise planting schedule can be secured by condition (see Condition 4).

Monknash Conservation Area

As noted above, most of the site is located outside of the conservation area and no new buildings are proposed in the conservation area. The public visibility of the proposed development from the conservation area would be limited and having regard to the Council's duties under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the character and appearance of the Monknash Conservation Area would be preserved.

Archaeology

It is recognised that buried archaeological resource is unlikely to be confined to the boundary of the Scheduled Monument site. It is therefore considered reasonable and necessary to require archaeological mitigation as recommended by Gwent Glamorgan Archaeological Trust in their consultation response. The details of mitigation can be secured for subsequent approval and implementation by condition (see condition 3).

Highway and pedestrian safety

There were initial concerns raised by the Highway Authority concerning a proposed new access and the use of the site for towed caravans. These elements have since been removed from the scheme and following further consultation, no objection was raised.

In terms of the change in proposed operations, the total number of tent pitches would be increased from 30 to 35, and 4 no lodges created (one of these replacing a café). There would therefore be an increase in the overall year-round site capacity and, by consequence, the notional number of vehicle trips to and from the site. Nevertheless, the increase in trips would be low and there would be no appreciable change in the type of vehicles likely to access the site. The proposal is therefore unlikely to result in any local congestion and vehicle conflicts that would materially increase the risk to highway safety.

It is noted that some passing opportunities exist on the single width carriageway between the Plough and Harrow and the site. There may be some difficulty in providing a new passing bay within the confines of the adopted highway, noting presence of a ditch on the southern side and land to the north is designated common land. Nonetheless, provision of such a bay by condition (or refusal if this proved impossible) is not considered necessary or reasonable for the reasons outlined above. It should be noted that although the provision of a passing bay was a requirement of Condition 5 of planning permission 2012/00560/FUL, this was later removed by planning permission 2012/01175/FUL.

The suggested conditions with regard to the use of a bound material and maintenance of visibility splay requested by the Highway Authority are included as Conditions 8 and 10.

Neighbouring amenity

The provision of additional accommodation and a permanent campsite use on the site would likely increase the overall number of visitors to the site to a degree. The development may therefore result in some increased coming and goings in the village, for

example to and from the nearby public house and local beaches/ coast and traffic. However, considering that the development, in part, would be the conversion of an existing café and the site is already in tourism use, the resultant impact is unlikely to be significant or inherently harmful to local amenity and the living conditions of neighbouring residents.

Ecology

The proposed built development would be located upon amenity grassland associated with the existing campsite. The site is not subject to any ecological designations and therefore the ecological impact from building operations is expected to be negligible. There are substantial areas of hedgerow and woodland around the site perimeter and the management of light spill into these areas is of important to maintaining dark corridors for wildlife. It is recommended that details of a lighting scheme are provided for review (see Condition 7). The proposed supplementary tree planting also offers potential for biodiversity enhancement, details of which can be secured by condition (see Condition 6).

The Monknash SSSI is located approx. 400m west and whilst there may be a marginal increase in footfall on footpaths through the SSSI there would be no material impact on the ecological value of the area through increased human activity or erosion.

Drainage

The proposed detached lodges would require connection to services, however those serving the existing campsite are located nearby. The site is not located within a source protection zone and an acceptable off-mains foul treatment system can be provided through connection to (or upgrading of) the existing system. The development would likely require separate SuDS (SAB) approval for a detailed scheme of surface water disposal.

In the presence of separate regulation over both foul and surface water disposal and absence of any significant site constraints or likely amenity impacts, no further details of drainage are considered necessary.

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:

Site Location Plan Rev A submitted 02.08.21
831/P/12/B - Proposed Toilet Block submitted 02.08.21
831/P/05/A - Proposed Elevations submitted 02.08.21
831/P/04/A - Proposed Floor Plan submitted 02.08.21
831/P/11/B - Proposed Lodge submitted 18.03.22

Reason:

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

3. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority and the programme and scheme shall be fully completed as defined in the approved details.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

4. A scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, and a planting schedule that identifies the number and species mix to be planted adjacent to boundaries of the western field parcel (identified as the campervan and tented area on plan 831/P/10/G).

Reason:

To safeguard local visual amenities and the setting of historic assets, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the 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 safeguard local visual amenities and the setting of historic assets, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

6. A scheme of biodiversity enhancement shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The biodiversity enhancement scheme shall be fully implemented in accordance with the approved details 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.

7. Prior to the installation of any lighting on the site, a light mitigation strategy, including measures to reduce light spillage onto the trees and hedgerows on the site periphery, shall be submitted to and approved by the Local Planning Authority. Thereafter, lighting shall only be installed on the site where in accordance with the approved details.

Reason:

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

8. A plan of the existing access, including visibility splays, shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The visibility splay on the approved plan shall thereafter be maintained free of any obstruction and/or vegetation exceeding 0.6m in height for as long as the development exists.

Reason:

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

9. Notwithstanding the submitted plans and details, the car parking area shown on drawing number 831/P/10G shall not be constructed until further details of the layout, turning areas, and details of the finished surface have been submitted to and approved in writing by the Local Planning Authority. These works shall only be completed where in accordance with the approved details.

Reason:

In the interest of visual amenity and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MG27 (Glamorgan Heritage Coast), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

10. The existing vehicular access to the site shall be completed in bound material for the first 6m into the site from the edge of the adopted highway.

Reason: In the interest of highway safety and to prevent loose material from entering the highway, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

11. 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 LPA. 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.

12. Any aggregate (other than virgin quarry stone) or recycled aggregate material 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.

13. The proposed lodges and tourist accommodation (as referenced on plan 831/P/10/G) 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 which is located in the countryside and to comply with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD14 (Tourism and Leisure) of the Local Development Plan.

14. The materials to be used in the construction of the external surfaces of the proposed lodges shall be in accordance with the schedule in section 10 of the application form.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), MG27 (Glamorgan Heritage Coast) and SP10 (Built and Natural Environment) of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to policies SP1 (Delivering the Strategy), SP9 (Minerals), SP10 (Built and Natural Environment), SP11 (Tourism and Leisure), 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), MG22 (Development in Mineral Safeguarding Areas), MG27 (Glamorgan Heritage Coast), MG29 (Tourism and Leisure Facilities), MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD8 (Historic Environment), MD9 (Promoting Biodiversity) and MD13 (Tourism and Leisure), Planning Policy Wales (11th Ed), Future Wales: The National Plan 2040, TAN 5, TAN6, TAN11, TAN12, TAN14, TAN15, TAN18, and TAN24, as well as the Biodiversity and Development, Conservation Areas in the Rural Vale, Conversion and Renovation of Rural Buildings, Design in the Landscape, Minerals Safeguarding, Parking Standards, Tourism and Leisure Development, Trees, Woodlands, Hedgerows and Development SPG's and the Monkash CAAMP, officers conclude that the development proposal is acceptable in principle and would have an acceptable impact on local character and visual amenity, neighbouring amenity, highway safety, biodiversity, mineral resources, heritage assets, soil conservation, flood risk, drainage and would not harm the special environmental qualities of the Glamorgan Heritage Coast and the character and appearance of the Monkash Conservation Area would be preserved.

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.

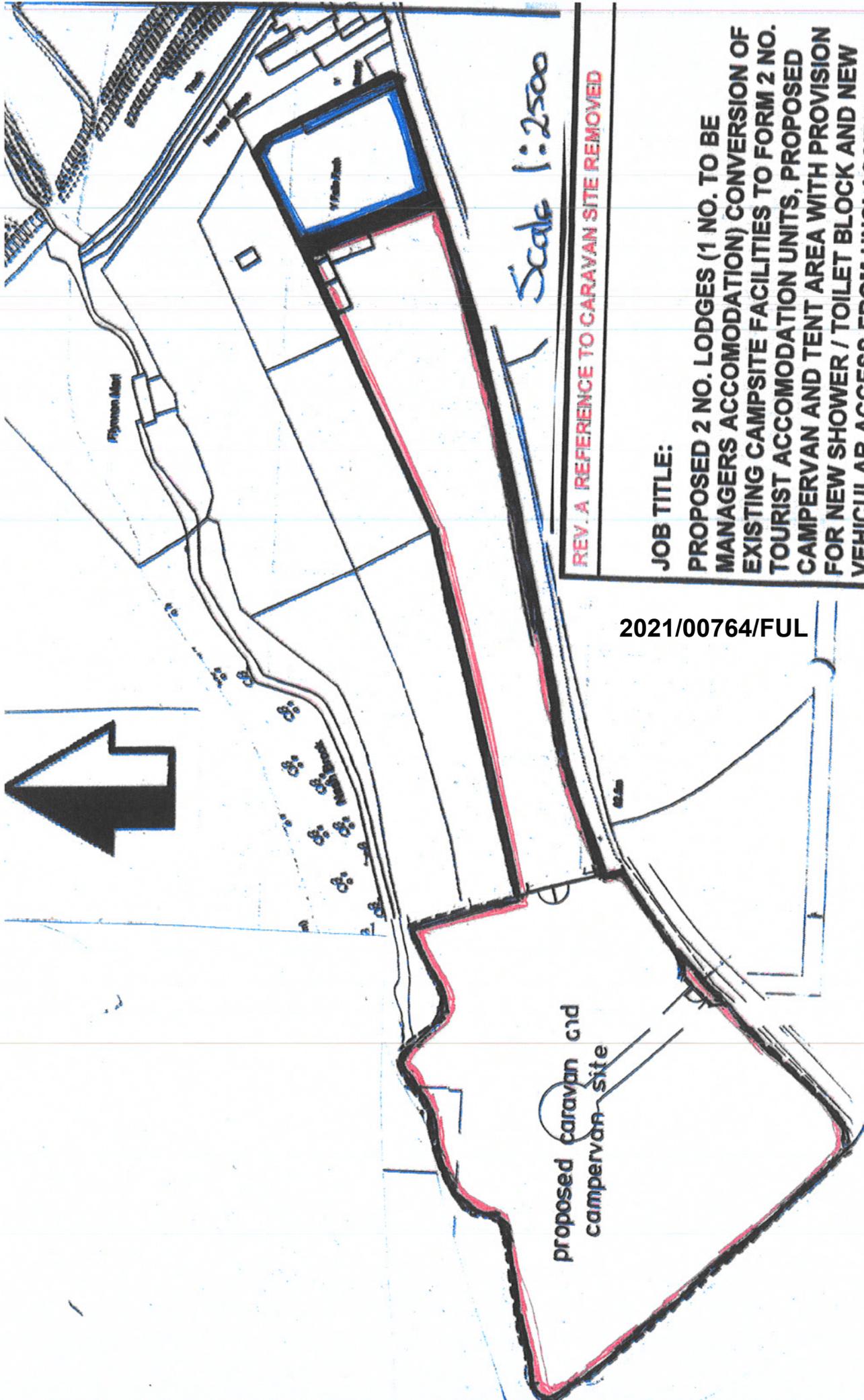
NOTE:

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.



Scale 1:2500

REV. A REFERENCE TO CARAVAN SITE REMOVED

JOB TITLE:

PROPOSED 2 NO. LODGES (1 NO. TO BE MANAGERS ACCOMMODATION) CONVERSION OF EXISTING CAMPSITE FACILITIES TO FORM 2 NO. TOURIST ACCOMMODATION UNITS, PROPOSED CAMPERVAN AND TENT AREA WITH PROVISION FOR NEW SHOWER / TOILET BLOCK AND NEW VEHICULAR ACCESS FROM UNCLASSIFIED ROAD

ADDRESS:

HERITAGE COAST CAMPSITE, MONKNASH, VALE OF GLAMORGAN

2021/00764/FUL

proposed caravan and campervan site

2021/01270/FUL Received on 1 September 2021

APPLICANT: Mr. D Clarke Brooklands, Brook Lane, St. Nicholas. CF5 6TB

AGENT: Mr. Geraint John Office 16 (House 1, 2nd Floor), The Maltings, East Tyndall Street, Cardiff, CF24 5EA

Brooklands, Brook Lane, St. Nicholas

Part retrospective application to regularise and seek the approval for the completion of the 'as built' development for a new detached dwelling (through a barn conversion and associated works of adaptation and extension)

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

Planning permission is sought, partly in retrospect, for a barn conversion in the countryside at Brooklands, Brook Lane, St. Nicholas. Planning permission was previously granted for the conversion of one of the barns, with the other barn being approved for parking, in an unaltered form. The proposed development, which is currently underway, involves altered elevations to the barn previously approved for conversion, the barn that was proposed to be used for the parking now being converted to living accommodation (although it is considered this element of the proposal actually results in this barn being reconstructed as a building that is very different in character to the original (see below)), and a link being built between the two.

No objections have been received from neighbours, but one letter of support has been received. The key issue is considered to be whether the proposal complies with Policy MD11 (Conversion and Renovation of Rural Buildings) of the Local Development Plan.

The site has a complex planning history. However, in respect of the current scheme the key concern is that the barn that was proposed to be used for parking, a modern steel portal framed barn, is being reconstructed with full blockwork walls, a new roof and new doors and windows to create additional residential accommodation. In addition, a new link extension with the adjacent building, finished in brickwork, is being constructed. These elements of the proposal completely remove the character of the previous simple rural structure and have an unacceptable impact on the appearance and rural character of the building and its setting.

As such, the refusal of the application and authorisation to take enforcement action in respect of the works carried out are recommended.

SITE AND CONTEXT

The site is approximately 500 metres to the south of the settlement boundary of St. Nicholas and is within the Dyffryn Basin and Ridge Slopes Special Landscape Area.

The site has a predicted agricultural land classification of Grade 3a (moderate to good quality agricultural land). There is a public right of way approximately 200 metres to the east of the site.

Site Location Plan:



DESCRIPTION OF DEVELOPMENT

Planning permission is sought to convert the existing barns on the site (known as Barn E and Barn F) into a single dwelling, joined by a link extension.

The works have already started and are at quite an advanced stage, so the application is in part in retrospect. These works are not in accordance with a planning permission granted previously for conversion (see below).

The works to Barn E as completed involve a new brick skin on the exterior of the building, new and altered door and window openings and a new slate roof.

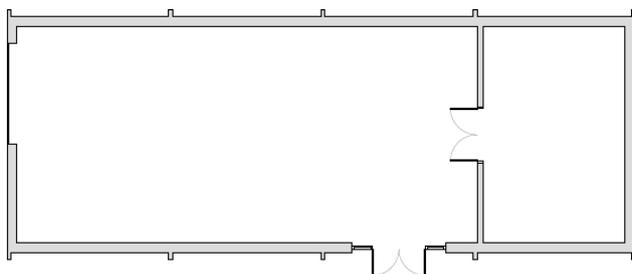
The ongoing works to Barn F involve full height blockwork walls around a steel frame structure, glazing, cladding the walls of the building in corrugated metal and a slate roof. The applicant's agent has advised that the works to Barn F utilise the slab, metal framing / structure, and height and footprint of the former building.

A flat roof link has been constructed to join Barn E and F, which is finished in facing brickwork.

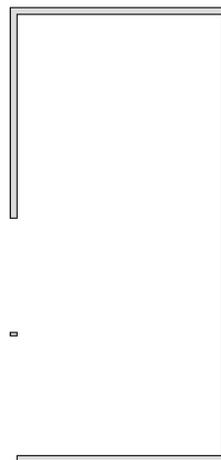
A planning statement has been submitted with the application.

The applicant's agent has referred to the buildings as buildings A and C (with the link being building B), but this report refers to them as Barn E and Barn F, in accordance with the labelling on the approved plans and other site history (with the barn conversion to the north west being referred to as Barn C).

Plans and Elevations prior to works starting (submitted as part of current planning application):

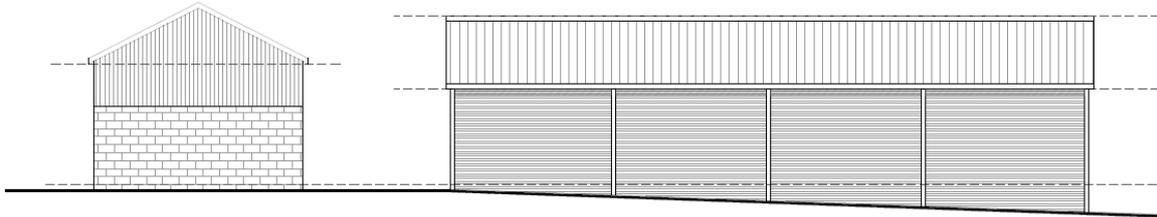


Existing Floor Plan

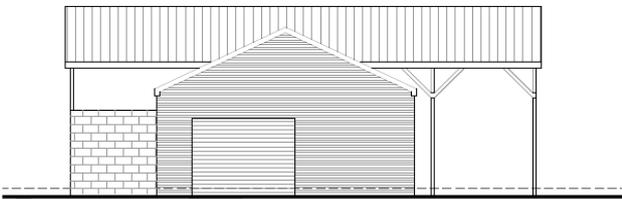




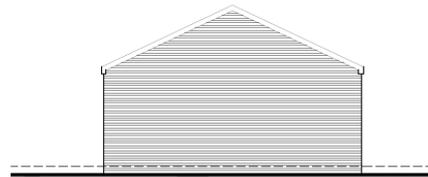
Existing South East Elevation



Existing North West Elevation



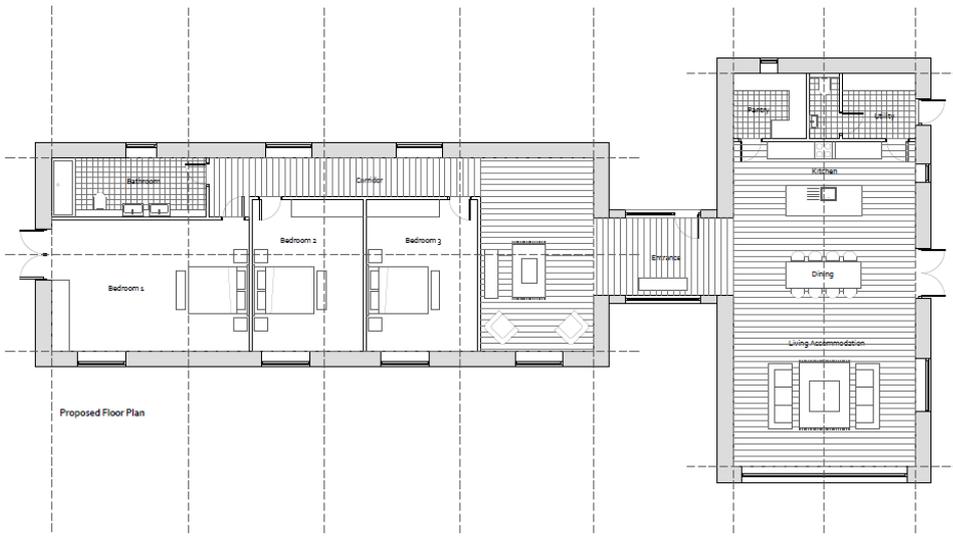
Existing South West Elevation



Existing North East Elevation

Proposed Plans and Elevations (currently being constructed):





Proposed Floor Plan



Proposed South West Elevation



Proposed North East Elevation



Proposed South West Elevation



Proposed North East Elevation



North East Elevation



North West Elevation



Barn F:



PLANNING HISTORY

2009/00941/FUL, Address: Brooklands Hall, Brooklands Lane, St. Nicholas, Proposal: Retention of barn as guest accommodation ancillary to main house, Decision: Refused 6th November 2009.

2010/01267/FUL, Address: Brooklands Hall, Brook Lane, St. Nicholas, Proposal: Retention of barn as leisure and amenity building ancillary to main house, Decision: Approved 14th February 2014.

2010/01295/FUL, Address: Brooklands, Brook Lane, St. Nicholas, Proposal: Mixed use of buildings (B to G) within building group: buildings B to E for domestic storage and parking of cars; buildings F and G for keeping livestock for recreational purposes, and for storing equipment and materials used by the applicant to maintain buildings and land he owns at Brooklands Hall, Decision: Approved 4th February 2011.

2011/00898/1/CD, Address: Brooklands Hall, Brook Lane, St. Nicholas, Proposal: Discharge of conditions 7 & 8 of planning permission 2011/00898/FUL -Conversion of two detached barns (C and E) to residential units (with Barn F to be used as garage for Barn E) and demolition of disused barn D, including associated hardstanding, landscaping and parking provision at Barns adjacent to Brooklands Hall, Brook Lane, St. Nicholas, Decision: Withdrawn 7th March 2017.

2011/00898/FUL, Address: Barns adjacent to Brooklands Hall, Brook Lane, St. Nicholas, Proposal: Conversion of two detached barns (C and E) to residential units (with Barn F to be used as garage for Barn E) and demolition of disused barn D, including associated hardstanding, landscaping and parking provision, Decision: Approved 16th December 2011.

2014/00671/FUL, Address: Brooklands Hall, Brook Lane, St. Nicholas, Proposal: Change of use of land to a residential use associated with Brooklands Hall, and retention and alterations to existing barn for a use ancillary to the main dwellinghouse, Decision: Refused 29th July 2014, Appeal Dismissed 11th February 2015.

2014/00948/FUL, Address: Brooklands Hall, Brook Lane, St. Nicholas, Proposal: Retention of barn as leisure and amenity building ancillary to main house, Decision: Approved 29th October 2014.

2015/00884/FUL, Address: Brooklands Hall, Brook Lane, St. Nicholas, Proposal: Change of use of land to a residential use associated with Brooklands Hall and retention and alterations to existing barn for a use ancillary to the main dwellinghouse (resubmission of application 2014/00671/FUL), Approved 15th December 2016.

2016/01363/1/CD, Address: Brooklands Hall, Brook Lane, St Nicholas, Proposal: Discharge of Conditions 7 - Window details and 8 - Samples of roof tiles. Planning Permission ref. 2016/01363/FUL : Renewal of planning permission 2011/00898/FUL (variation of condition 1) for a new detached dwelling to extend the time period for the commencement of development by 5 years at Brooklands, Brook Lane, St Nicholas, Decision: Approved 13th September 2018.

2016/01363/1/NMA, Address: Brooklands, Brook Lane, St. Nicholas, Proposal: Non-material Amendment: Proposed amendments to development approved under planning permission 2016/01363/FUL (Renewal of planning permission 2011/00898/FUL (variation of condition 1) for a new detached dwelling to extend the time period for the commencement of development by 5 years), Decision: Refused 23rd December 2019.

2016/01363/2/CD, Address: Brooklands, Brook Lane, St Nicholas, Proposal: Discharge of conditions 8 (roof materials) and 13 (drainage scheme) of planning permission 2016/01363/FUL, Decision: Partially discharged 26th April 2021.

2016/01363/FUL, Address: Brooklands, Brook Lane, St Nicholas, Proposal: Renewal of planning permission 2011/00898/FUL (variation of condition1) for a new detached dwelling to extend the time period for the commencement of development by 5 years, Decision: Approved 17th January 2017.

2017/00638/FUL, Address: Brooklands, Brook Lane, St. Nicholas, Proposal: Proposed demolition of existing buildings, change of use, conversion and extension of existing barns to create residential dwelling with home office and parking, Decision: Refused 4th April 2018 on the following grounds :

1. *The proposal is an unacceptable and unjustified form of development in the countryside that does not represent a conversion of the existing buildings. The design, scale, form and materials of the resulting building will be out of keeping with the context of the site, and its overtly domestic appearance would serve to urbanise the area to the detriment of the rural surroundings. As such, it is considered that the proposal will have an unacceptable impact on the appearance and rural character of the buildings and their setting, contrary to policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MG17-Special Landscape Areas, MD1-Location of New Development, MD2-Design of New Development, and MD11-Conversion and Renovation of Rural Buildings of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Guidance on The Conversion of Rural Buildings; and national guidance contained in Planning Policy Wales (Edition 9), TAN12-Design and TAN23-Economic Development.*

2019/00358/FUL, Address: Brooklands, Brook Lane, St Nicholas, Proposal: Proposed amendments to existing residential barn, with associated amenity space and off-street parking, Decision: Withdrawn 4th October 2019.

2019/01431/FUL, Address: Brooklands, Brook Lane, St. Nicholas, Proposal: Renew and amend development approved under planning permission 2016/01363/FUL ('Renewal of planning permission 2011/00898/FUL (variation of condition1) for a new detached dwelling [through a barn conversion] to extend the time period for the commencement of development by 5 years') by varying conditions 1 (time limit for implementation) and 2 (approved plans), Decision: Refused 31st March 2020 on the following grounds :

1. *The site is not sustainable in terms of providing sustainable means to access local services, public transport and community facilities. The proposal is therefore contrary to policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD11 (Conversion and Renovation of Rural Buildings) of the Vale of Glamorgan Local Development Plan 2011 – 2026 and paragraphs 3.35 and 3.56 and the transport-related objectives of chapter four (Active and Social Places) of Planning Policy Wales (Edition 10, December 2018).*
2. *In the absence of any marketing information, the application fails to demonstrate that barns E and F are unsuitable for non-residential uses. As a result, the proposal is contrary to Policies SP1 (Delivering the Strategy), MD1 (Location of New Development), MD2 (Design of New Development) and MD11 (Conversion and Renovation of Rural Buildings) of the Vale of Glamorgan Local Development Plan 2011 – 2026, Supplementary Guidance on The Conversion of Rural Buildings and national guidance contained in Planning Policy Wales (Edition 10) and TAN23 - Economic Development.*

3. *By virtue of the substantial reconstruction of Barn F that would be necessary to make it suitable for residential living accommodation, the proposal is tantamount to a new building or substantial extension to Barn E that will have an unacceptable impact on the appearance and rural character of the buildings and their setting, contrary to policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MD2-Design of New Development and MD11-Conversion and Renovation of Rural Buildings of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Supplementary Guidance on The Conversion of Rural Buildings; and national guidance contained in Planning Policy Wales (Edition 10), TAN12-Design and TAN23-Economic Development.*

CONSULTATIONS

Shared Regulatory Services (Environment Team) were consulted on 14th September 2021. They responded on 14th September 2021 requesting the contamination and unstable land standard informative note.

Dwr Cymru Welsh Water were consulted on 14th September 2021. They responded on 22nd September 2021 providing advice on sewerage and surface water drainage and requesting conditions and advisory notes in respect of connection to the public sewerage network and the presence of formerly privately owned sewers and lateral drains.

The Council's Ecologist was consulted on 14th September 2021. He responded on 22nd September advising that no Preliminary Ecological Assessment has been supplied and no assessment of the impacts of the proposal on bats or nesting birds. Without these it is difficult to comment in any meaningful way on the impacts of the development on biodiversity. Probably the best biodiversity benefit would be to plant some native tree species at the property and consider the use of native shrubs in any boundary features.

Glamorgan Gwent Archaeological Trust were consulted on 14th September 2021. They responded on 18th October 2021 advising that they have no objections, as it is unlikely that significant archaeological remains will be encountered during the course of the application. As a result, there is unlikely to be an archaeological restraint to this proposed development.

The Council's Highways Development Team were consulted on 14th September 2021. They responded on 22nd October 2021 advising they had no objection as this should not have an impact on the highway.

The Member for Wenvoe Ward, St. Nicholas and Bonvilston Community Council, Shared Regulation Services (Neighbourhood Team) and the Council's Drainage Section were consulted on 14th September 2021, but no comments have been received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were consulted on 14 September 2021.

Site notices were also displayed on 7th October 2021 and 5th November 2021.

One representation has been received from a neighbouring property (Tirnant) expressing support for the application, on the grounds of improvement 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 MG1 – Housing Supply in the Vale of Glamorgan

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 MD7 - Environmental Protection

POLICY MD9 - Promoting Biodiversity

POLICY MD11 - Conversion and Renovation of Rural Buildings

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 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 9 – Resilient Ecological Networks and Green Infrastructure

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

Planning Policy Wales:

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

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)
- 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 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 23 – Economic Development (2014)

Welsh National Marine Plan:

National marine planning policy is in the form of the Welsh National Marine Plan (2019) (WNMP). 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. WNMP is of limited relevance in the assessment of this planning application.

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)
- Conversion and Renovation of Rural Buildings (2018)

9.1.1. The following guidance generally applies to the conversion of traditional stone built buildings where traditionally materials and building techniques will need to be utilised; whilst for modern buildings it may be more appropriate use modern materials.

Nevertheless, when converting any rural building to an alternative use the goal should be to ensure that the conversion is sympathetic to the fabric of the existing building(s) and preserves or enhances the building and surroundings.

9.1.2. The main principle to adopt when designing a conversion scheme is that the building and surroundings should still appear to be used for its original purpose, i.e. an agricultural building rather than a dwelling.

9.3.1. If a building merits conversion then it must be of a scale which is capable of conversion to a new use in its own right. Accordingly, proposals that rely on substantial new-build elements in order to make them work will not be permitted.

9.3.2. Where justified, minor additions may be acceptable where this is designed with sensitivity for the existing building and does not conflict with other planning requirements. Extensions should enhance the character and appearance of the building and, where possible, should make a positive contribution to the wider environs. Favourable

consideration will be given to glazed lightweight extensions which retain the distinction between 'old' and 'new'.

- Design in the Landscape (2006)
- Model Design Guide for Wales (2005)
- Parking Standards (2019)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide (2006)

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

Planning permission was granted for the brick and blockwork barn that is part of this application (Barn E) to be converted in December 2011 (ref. 2011/00898/FUL). As part of that planning permission, the adjacent steel portal farmed barn (Barn F) was proposed to remain unaltered, but was to be utilised to provide car parking associated with Barn E. The conversion of Barn C was also proposed and granted planning permission under this application reference.

The photographs and plans below from file 2011/00898/FUL show the barns prior to their development:

Barn E Prior to Development:



Barn F Prior to Development:



Plans and Elevations Prior to Development (from planning file 2011/00898/FUL):

Existing Floor Plan - Barn E

THE VALE OF GLAMORGAN COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990
APPROVED
SUBJECT TO COMPLIANCE WITH CONDITIONS (IF ANY)
D.R. Thomas
HEAD OF PLANNING AND TRANSPORTATION

VALE OF GLAMORGAN COUNCIL
(PLANNING DIVISION)
15 SEP 2011
DATE OF REGISTRATION

17700
6459.38

RECEIVED
17 AUG 2011
ENVIRONMENTAL AND ECONOMIC REGISTRATION

1100898FUL

Stedman Architectural
Suite 18, Big Yellow Self Storage, 65 Penarth Road, Cardiff, CF10 5DL.
Tel: 02920 228696 email: stedmanarchitectural@googlemail.com
Brooklands Outbuildings, Brook Lane, St.Nicholas.
Drawing title: EXISTING FLOOR PLAN - BARN E.
Drawing no.2222-03 Date: aug 2011 Scale: 1/100

Existing Elevations - Barn E

THE VALE OF GLAMORGAN COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990
APPROVED
SUBJECT TO COMPLIANCE WITH CONDITIONS (IF ANY)
D.R. Thomas
HEAD OF PLANNING AND TRANSPORTATION

VALE OF GLAMORGAN COUNCIL
(PLANNING DIVISION)
15 SEP 2011
DATE OF REGISTRATION

South East Elevation

South West Elevation

RECEIVED
17 AUG 2011
ENVIRONMENTAL AND ECONOMIC REGISTRATION

1100898FUL

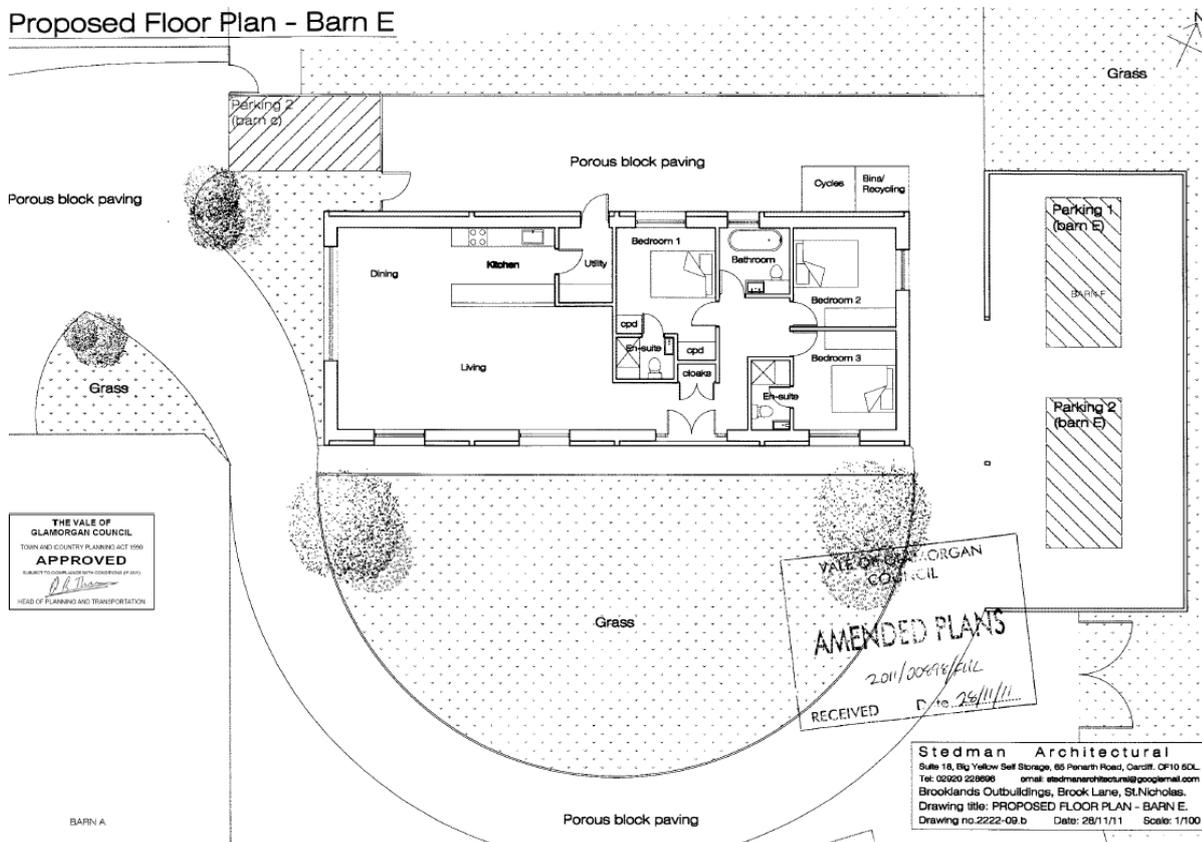
Stedman Architectural
Suite 18, Big Yellow Self Storage, 65 Penarth Road, Cardiff, CF10 5DL.
Tel: 02920 228696 email: stedmanarchitectural@googlemail.com
Brooklands Outbuildings, Brook Lane, St.Nicholas.
Drawing title: EXISTING ELEVATIONS - BARN E.
Drawing no.2222-05 Date: aug 2011 Scale: 1/100

1. Facing brickwork.
2. UPVC double glazed window/doors.
3. Roller shutter door.
4. Corrugated asbestos cement roof.



The scheme approved by planning permission 2011/00898/FUL is shown below:

Proposed Floor Plan - Barn E



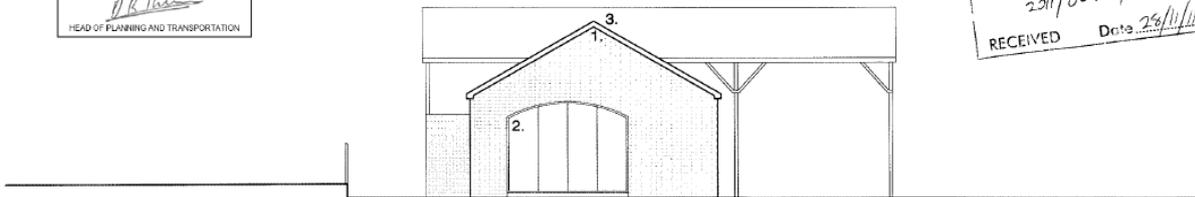
Proposed Elevations - Barn E



South East Elevation

THE VALE OF
GLAMORGAN COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990
APPROVED
SUBJECT TO COMPLIANCE WITH CONDITIONS (IF ANY)
D.R. Thomas
HEAD OF PLANNING AND TRANSPORTATION

VALE OF GLAMORGAN
COUNCIL
AMENDED PLANS
2011/00899/FULL
RECEIVED Date: 28/11/11

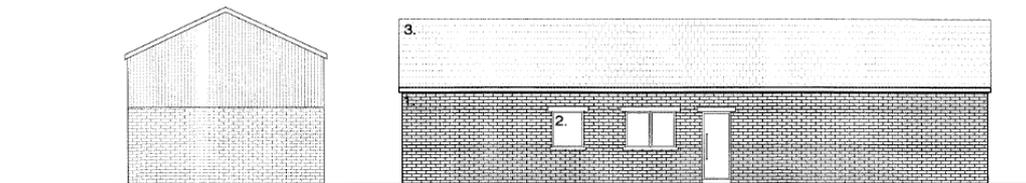


South West Elevation

- 1. Facing brickwork.
- 2. Powder coated aluminium windows/doors.
- 3. Slate pitched roof.

Stedman Architectural
Suite 18, Big Yellow Self Storage, 66 Penarth Road, Cardiff, CF10 5DL.
Tel: 02920 228996 email: stedmanarchitectural@googlemail.com
Brooklands Outbuildings, Brook Lane, St.Nicholas.
Drawing title: PROPOSED ELEVATIONS - BARN E.
Drawing no.2222-11.b Date: 28/11/11 Scale: 1/100

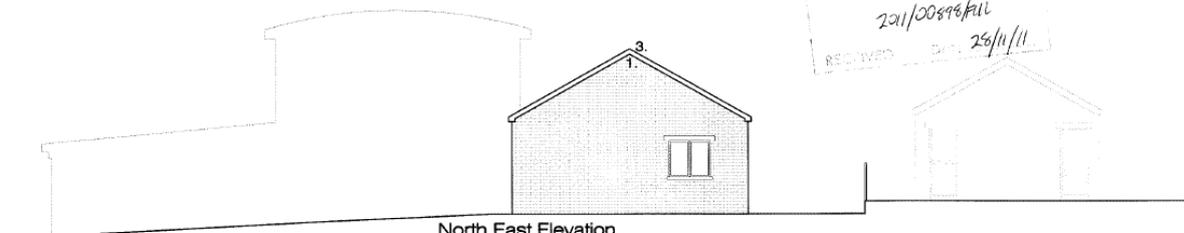
Proposed Elevations - Barn E



North West Elevation

THE VALE OF
GLAMORGAN COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990
APPROVED
SUBJECT TO COMPLIANCE WITH CONDITIONS (IF ANY)
D.R. Thomas
HEAD OF PLANNING AND TRANSPORTATION

VALE OF GLAMORGAN
COUNCIL
AMENDED PLANS
2011/00899/FULL
RECEIVED Date: 28/11/11



North East Elevation

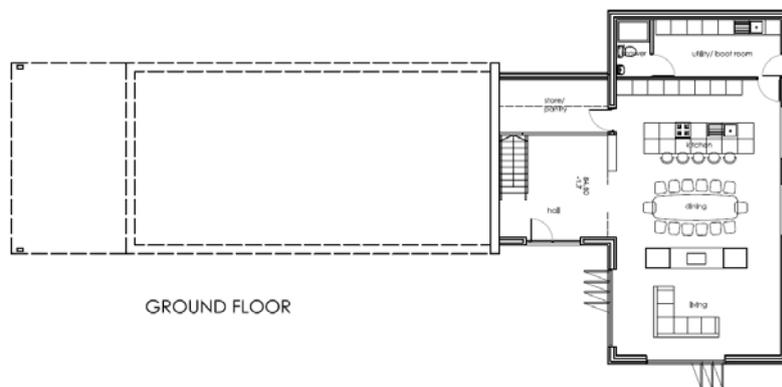
- 1. Facing brickwork.
- 2. Powder coated aluminium windows/doors.
- 3. Slate pitched roof.

Stedman Architectural
Suite 18, Big Yellow Self Storage, 66 Penarth Road, Cardiff, CF10 5DL.
Tel: 02920 228996 email: stedmanarchitectural@googlemail.com
Brooklands Outbuildings, Brook Lane, St.Nicholas.
Drawing title: PROPOSED ELEVATIONS - BARN E.
Drawing no.2222-12.b Date: 28/11/11 Scale: 1/100

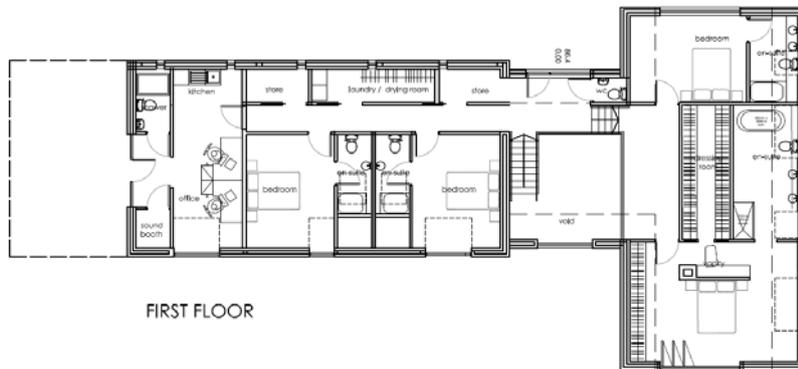
This planning permission was renewed in January 2017 (ref 2016/01363/FUL).

Since then, two planning applications for amended schemes that include providing additional living accommodation have been refused:

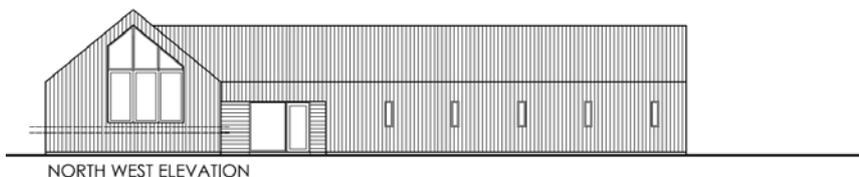
Scheme refused under planning application 2017/00638/FUL:



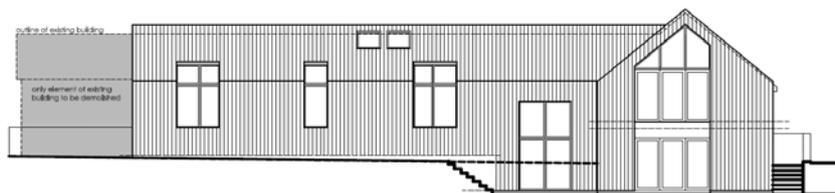
GROUND FLOOR



FIRST FLOOR



NORTH WEST ELEVATION



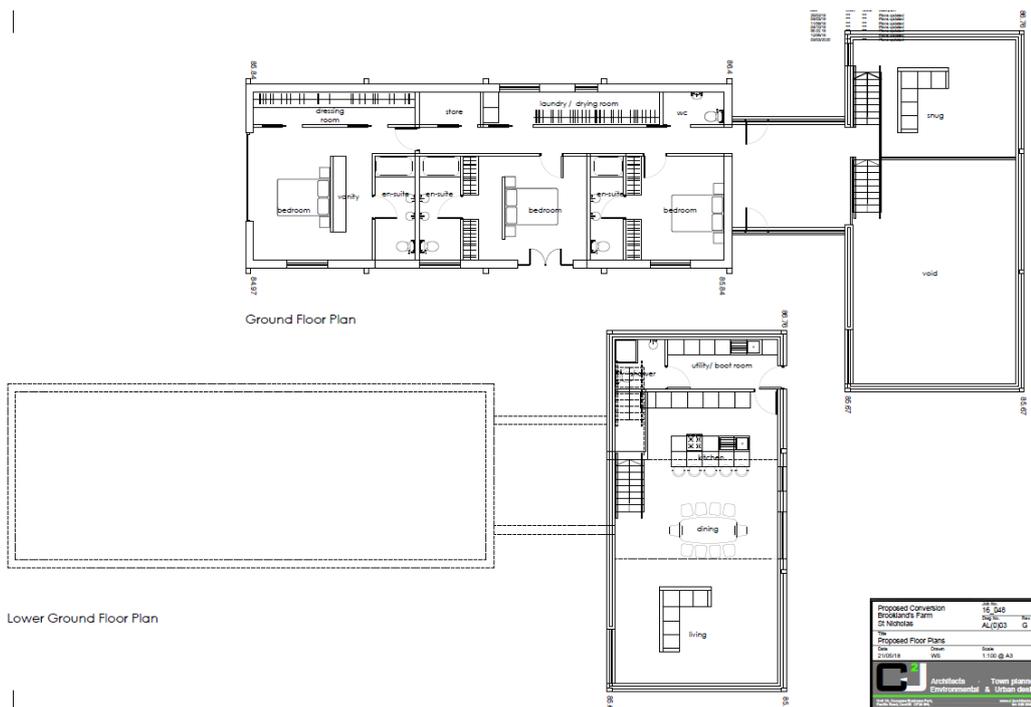
SOUTH EAST ELEVATION

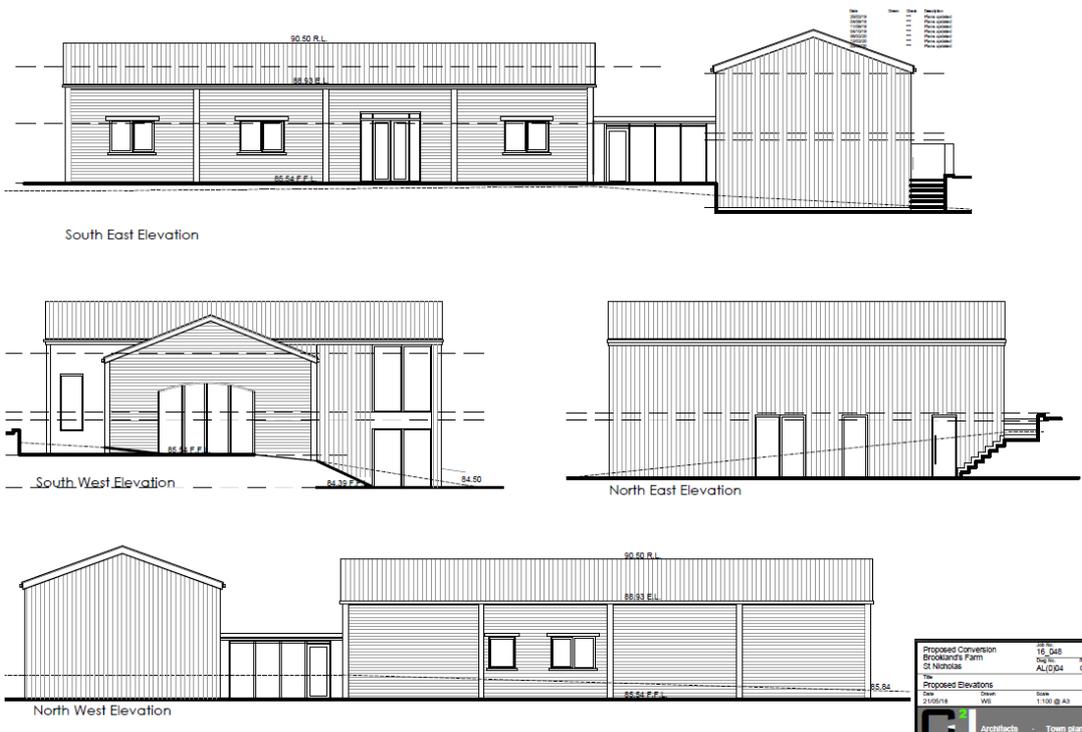


Refusal Reason:

The proposal is an unacceptable and unjustified form of development in the countryside that does not represent a conversion of the existing buildings. The design, scale, form and materials of the resulting building will be out of keeping with the context of the site, and its overtly domestic appearance would serve to urbanise the area to the detriment of the rural surroundings. As such, it is considered that the proposal will have an unacceptable impact on the appearance and rural character of the buildings and their setting, contrary to policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MG17-Special Landscape Areas, MD1-Location of New Development, MD2-Design of New Development, and MD11-Conversion and Renovation of Rural Buildings of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Guidance on The Conversion of Rural Buildings; and national guidance contained in Planning Policy Wales (Edition 9), TAN12-Design and TAN23-Economic Development.

Scheme refused under planning application 2019/01431/FUL:





Refusal Reasons:

The site is not sustainable in terms of providing sustainable means to access local services, public transport and community facilities. The proposal is therefore contrary to policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD11 (Conversion and Renovation of Rural Buildings) of the Vale of Glamorgan Local Development Plan 2011 – 2026 and paragraphs 3.35 and 3.56 and the transport-related objectives of chapter four (Active and Social Places) of Planning Policy Wales (Edition 10, December 2018).

In the absence of any marketing information, the application fails to demonstrate that barns E and F are unsuitable for non-residential uses. As a result, the proposal is contrary to Policies SP1 (Delivering the Strategy), MD1 (Location of New Development), MD2 (Design of New Development) and MD11 (Conversion and Renovation of Rural Buildings) of the Vale of Glamorgan Local Development Plan 2011 – 2026, Supplementary Guidance on The Conversion of Rural Buildings and national guidance contained in Planning Policy Wales (Edition 10) and TAN23 - Economic Development.

By virtue of the substantial reconstruction of Barn F that would be necessary to make it suitable for residential living accommodation, the proposal is tantamount to a new building or substantial extension to Barn E that will have an unacceptable impact on the appearance and rural character of the buildings and their setting, contrary to policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MD2-Design of New Development and MD11-Conversion and Renovation of Rural Buildings of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Supplementary Guidance on The Conversion of Rural Buildings; and national guidance contained in Planning Policy Wales (Edition 10), TAN12-Design and TAN23-Economic Development.

The current proposal is essentially a resubmission of planning application 2019/01431/FUL, to try and overcome the above refusal reasons.

The development is approximately 500 metres outside the settlement boundary for St Nicholas and housing would generally not be permitted in such a location as it would be contrary to Policy MD1 (Location of New Development) of the Local Development Plan.

Policy MD11 (Conversion and Renovation of Rural Buildings) does allow for conversion of rural buildings, subject to criteria and therefore is the key policy to consider in this case. For conversions to residential use, Policy MD11 requires that proposals should not give rise to the need for a replacement building; should be achieved without substantial reconstruction, extension or alteration that unacceptably affects the appearance and rural character of the building or its setting; should only be permitted where the building has been appropriately marketed for other alternative uses and these are not viable; and should be in a location that is sustainable in terms of access to local services, public transport and community facilities. This policy is supported by the Conversion and Renovation of Rural Buildings Supplementary Planning Guidance.

CONVERSION AND RENOVATION OF RURAL BUILDINGS

Proposals for the conversion or renovation of existing rural buildings for rural enterprise, tourism, community or residential use will be acceptable where:

- 1. Conversion of an existing rural building would not give rise to the need for a replacement building; and*
- 2. Reuse can be achieved without substantial reconstruction, extension or alteration that unacceptably affects the appearance and rural character of the building or its setting; Proposals for conversions to residential use will only be permitted where it is demonstrated that;*
- 3. The building has been appropriately marketed for other alternative uses such as farm diversification, business, community, tourism, or recreational uses and it has been demonstrated that such alternative uses are not viable; and*
- 4. The location of the building is sustainable in terms of access to local services, public transport and community facilities*

The Need for a Replacement Agricultural Building:

It should be noted that the time limit for planning permission 2016/01363/FUL expired in January 2022, after the submission of this current planning application. However, notwithstanding the existing unauthorised works that have been carried out, it is not clear whether a lawful start can be considered to have been made on the development and therefore whether that consent remains extant.

Planning permission 2016/01363/FUL also included the conversion of Barn C. Conversion of Barn C appears to have been carried out and the building occupied, although few of the physical works permitted by the above application seem to have taken place. There also are some records in the site history of drainage works for the conversion of Barn E. However, there are conditions attached to the planning permission that have not as yet been complied with.

The status of planning permission 2016/01363/FUL, as to whether it has been lawfully implemented, would need to be considered through the submission of a Certificate of Lawfulness, for a position on this matter to be formally established.

However, it is accepted that planning permission has been in place for approximately 10 years, at least until very recently, for the residential development of Barn E and this permission included the incidental use of Barn F, primarily for the purposes of parking for the new barn conversion. It is not therefore considered expedient to revisit the question of whether a replacement building may be required.

Notwithstanding that, the loss of the previously approved covered parking facilities is potentially likely to lead to increased pressure in the future for additional building for those purposes.

Works required to Barn F:

In respect of the second criterion, the proposal includes substantial works to Barn F. This originally a modern steel portal framed agricultural style barn, which was largely open fronted (two of the three bays are open and one bay had a half height block wall) was approved without any external changes to be utilised for parking to serve Barn E as a residential unit.

Rather than the half height block work walls that were present around much of the barn (an appearance that, while utilitarian, is characteristic of agricultural buildings), the whole outer skin of the building has now been constructed from new blockwork. Window and door openings have been created, along with a slate roof. Whilst the external cladding had not been fitted at the time of the officers site visit, the plans show a form of vertical metal cladding of the building (which now appears to have been installed- see photo below). A new link has been constructed to attach Barn F to Barn E. Much of this work has already been carried out. The applicant's agent has advised the existing metal frame and the slab of Barn F have been used.

It is accepted that in allowing residential parking in Barn F for the previously approved scheme, this resulted in it being permitted as an incidental building in this residential planning unit. However, no alterations to the previously existing barn were proposed or necessary to accommodate such an incidental use.

In contrast, the current proposal for additional accommodation has resulted in the above described works being required. Policy MD11 requires a conversion to be carried out without substantial reconstruction, extension or alteration that unacceptably affects the appearance and rural character of the building or its setting. This is echoed in the above extracts of the Conversion and Renovation of Rural Buildings SPG.

The planning statement submitted with this planning application advises that the works proposed do not constitute substantial reconstruction. This assertion is strongly disputed.

These works, as described above, and as illustrated in the photos, are considered to result in Barn F being reconstructed as a building that is very different in character to the original. The works undertaken to date alter and replace the previous fabric and character of the building to such an extent that the works are considered to result in a new building. The resultant building is markedly different in appearance and character to the former building, and the agricultural appearance of the building has been wholly lost. Rather, as a consequence of the materials and pattern of window/door openings, it overtly has the appearance of a domestic dwelling/extension.

The proposed link, as built, while not a “substantial” extension in itself, is another structure that contributes to these substantial changes and comprises a wholly new build element. The link is not substantially glazed or in any way lightweight in appearance and, while it is set back from the frontage of Barn E, it also appears fundamentally domestic in character and contributes to the domestication of the group.

The above photographs show Barn F as previously being largely open on one side, that being the side facing Barn E. The applicant’s agent has advised that the barn historically had four sides and has submitted a photograph showing this, although it is unclear when it was taken. They have advised that as the approved application showed this side as removed (to allow cars to access the building) this proposal involves less of an alteration to the barn than the approved scheme, as the size of the openings are now reduced. Again, officers strongly dispute this stance and consider that the proposed scheme clearly represents a more significant and more harmful change to the building.

While the building may have been enclosed on four sides at some point in its history, it appears that the alterations that would have been required to allow vehicular access into the barn constituted the removal of metal cladding. It is not considered that the removal of metal cladding from the side to allow vehicular access is less of an alteration than the works described above, and therefore this is not considered to overcome the concern raised regarding the substantial reconstruction and alteration of the barn.

Photograph of the inside of Barn F, provided by the applicant’s agent:



In terms of whether the works proposed unacceptably affect the appearance and rural character of the building or its setting, the applicant’s agent has submitted the following two photographs of the south elevation and part of the west elevation of Barn F. These show the barn prior to development (circa 2009) and in its current condition (it is noted that the works have progressed since the Officer’s site visit):



The applicant's agent advises that they consider the photographs show that the buildings have not significantly changed in their character or appearance from what they were in 2009. It is considered that the two photographs above only serve to reinforce how much the building has changed. Notwithstanding that, the photographs do not show the reverse side of Barn F, which is now markedly domestic in character.

However, notwithstanding that these photographs only show part of the development, this barn was previously a steel frame metal clad structure with an agricultural character and appearance that is typically found on many farms. On the photograph above, the building appears to be largely open on the side facing barn E. These new works give this building a more urban and domesticated character and appearance, which is far removed from what it was originally, as a simple rural barn. In respect of its setting, the building is on the edge of the farmyard and will be visible in the immediate landscape.

As well as the proposal being contrary to Policy MD11 (as the conversion cannot be achieved without substantial reconstruction and alteration which unacceptably affects the appearance and rural character of the building or its setting), the Supplementary Planning Guidance advises in Section 9 that that the conversion should be sympathetic to the fabric of the existing building(s) and preserve or enhance the building and surroundings, and that the main principle is that the building and surroundings should still appear to be used for its original purpose.

This section of the SPG also advises that rural development should not result in the domestication or urbanisation of their countryside setting. Policy MD1 (Location of New Development) requires development on unallocated sites to have no unacceptable impact on the countryside. Technical Advice Note 12 (Design) advises at paragraph 5.8.4 that “in relation to conversion or adaptation of agricultural buildings, character retention will often involve the least amount of change possible to external appearance”. It is not considered that the works proposed to Barn F comply with these.

As such, it is recommended that this application should be refused. Due to the works that have already taken place, it is also recommended that enforcement action is taken to remove these unauthorised works.

The works are therefore considered to be contrary to policies MD1 (criteria 1 and 2), MD2 (criterion 3), and MD 11 (criterion 2) of the LDP, the advice within the Council’s Conversion and Renovation of Rural Buildings SPG, and paragraphs 2.6 and 6.16 of TAN 12.

It is noted that the site is within a Special Landscape Area. However, notwithstanding the above concerns regarding the impact of the proposal on the character and appearance of the building and its setting, due to the backdrop of the existing buildings, within an established yard, whilst having a negative impact on the surrounding countryside would not have an adverse impact on the wider landscape within the Special Landscape Area.

Works to Barn E:

Notwithstanding the works to Barn F and the creation of the link, Barn E has been altered from the approved plans through the creation of a different pattern of fenestration than the approved scheme. Again, much of this work has been carried out as shown in the photos above.

The two previous (existing) doors in the barn on the south and west elevations were utilised in the approved scheme, albeit the one on the western elevation was shown as altered in that scheme. Now, these are both utilised, but have been made smaller, with the door on the south elevation used as a window in the current scheme. These now bear little resemblance to the previous barn openings.

In addition, the previously existing concrete external posts on the southern elevation are no longer visible, as they were shown on the approved plans and elevations, which effectively broke the brickwork up into four sections, similar to how the barn appeared prior to the start of works. This elevation has been built as continuous brickwork.

While these changes have eroded some of the former character of the barn, it is accepted that the barn conversion was originally permitted with a number of additional openings to create doors and windows and the approved plans did allow additional brickwork on the outside of the building, albeit that the details differ from what was approved. The building still retains its shape and scale and still looks like a simple structure within the yard, finished mainly in facing brick, as it did previously.

Solar PV tiles have also been used in the roof of Barn E, which were not shown on the original scheme nor the discharge of the relevant roofing materials condition. However, the replacement of the metal sheet roof with a slate roof was part of the approved scheme, so a change in roofing material has previously been accepted. As such, these changes are considered acceptable additions to the building.

Should this application be refused as recommended, these works will still be considered unauthorised. However, it is not recommended that the removal of these works are included in any enforcement action to be taken.

Marketing and Sustainability:

In respect of the criteria requiring marketing for other uses, and for the location to be sustainable, planning application 2019/01431/FUL was refused on these grounds, as well as concern regarding the physical alterations proposed. However, this latest proposal is reduced in scale, as this no longer includes excavation and the creation of two floors within Barn F. A smaller link is also proposed.

In addition, as discussed above, it is accepted that planning permission has been in place for approximately 10 years, at least until very recently, for the residential development of Barn E, including the incidental use of Barn F. It is also noted that while the development is an approximately 750 metre walk to the main road in St Nicholas along an unlit road with no footway, this road is a no through road serving few properties, so is very lightly trafficked.

As such, it is not recommended that the application is refused on the grounds of marketing and sustainability.

Other Issues

In respect of the Council Ecologist's comments, a landscaping scheme has now been submitted. There is no objection to the principle of this in respect of biodiversity enhancement, nor in respect of visual amenity. However, the landscaping in the south creates the appearance of a larger curtilage than is shown on the site layout plan and if this application was to be approved, a condition for a further landscaping scheme would be required to address this issue. It is not considered that the provision of the landscaping would offset the harm caused by the alterations to Barn F.

It is also noted that the proposal would result in the removal of much of the amenity space proposed for Barn C under the approved scheme and one of its proposed parking spaces,

with this area proposed to be utilised as parking and turning for Barn E. However, Barn C is set within the existing yard and there is ample space within this for parking. More unconventional curtilage/amenity space arrangements would also be expected for barn conversions, and the yard area is enclosed and could be used by Barn C for amenity purposes if required.

Although the land is predicted as Grade 3a agricultural land, which is considered as within the definition of the best and most versatile agricultural land as set out in Policy MD1 (Location of New Development) of the Local Development Plan, the development is sited on the existing farmyard and therefore this is not considered a significant issue.

RECOMMENDATION

REFUSE AND AUTHORISE ENFORCEMENT ACTION

1. That planning permission for the works as described in the application be refused.
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 following:
 - i. The removal of all unauthorised works that have taken place to Barn F, including the doors and windows, blockwork walls, cladding and roof covering, and the reinstatement of the barn to its previous appearance, as shown in the approved plans and the photographs attached to planning application file 2011/00898/FUL;
 - ii. The demolition of the brick link extension (referred to as building B in the submitted planning application) that has been built between Barn F and the adjacent building (Barn E);
 - iii. Making good the east elevation of Barn E (following the demolition of the link extension) by bricking this up in matching brickwork.
3. In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

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 REFUSAL:

The extent of works proposed and that have been carried out to the former steel portal framed barn in the east of the site (Barn F), and the link extension adjoining this to the adjacent brick and blockwork barn (Barn E) and as proposed, amount to the substantial reconstruction and alteration of the building, to the extent that these elements of the proposal would constitute the construction of a new building in the countryside. By reason of the design and character of the alterations/new building, relative to its former agricultural appearance, the works have unacceptably harmed and fundamentally altered the character of the building. The former overly agricultural portal barn now has a highly domesticated an urbanised character, which is to the detriment of the group of buildings and the wider character of the yard. This is contrary to Policies MD1 (Location of New Development) and MD11 (Conversion and Renovation of Rural Buildings) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the Conversion and Renovation of Rural Buildings Supplementary Planning Guidance (2018) and advice in Technical Advice Note 12 (Design).

REASONS FOR ISSUING 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. The extent of works proposed and that have been carried out to the former steel portal framed barn in the east of the site (Barn F), and the link extension adjoining this to the adjacent brick and blockwork barn (Barn E) and as proposed, amount to the substantial reconstruction and alteration of the building, to the extent that these elements of the proposal would constitute the construction of a new building in the countryside. By reason of the design and character of the alterations/new building, relative to its former agricultural appearance, the works have unacceptably harmed and fundamentally altered the character of the building. The former overly agricultural portal barn now has a highly domesticated an urbanised character, which is to the detriment of the group of buildings and the wider character of the yard. This is contrary to Policies MD1 (Location of New Development) and MD11 (Conversion and Renovation of Rural Buildings) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the Conversion and Renovation of Rural Buildings Supplementary Planning Guidance (2018) and advice in Technical Advice Note 12 (Design).
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

REFUSE (W.R.)

1. The extent of works proposed and that have been carried out to the former steel portal framed barn in the east of the site (Barn F), and the link extension adjoining this to the adjacent brick and blockwork barn (Barn E) and as proposed, amount to the substantial reconstruction and alteration of the building, to the extent that these elements of the proposal would constitute the construction of a new building in the countryside. By reason of the design and character of the alterations/new building, relative to its former agricultural appearance, the works have unacceptably harmed and fundamentally altered the character of the building. The former overly agricultural portal barn now has a highly domesticated and urbanised character, which is to the detriment of the group of buildings and the wider character of the yard. This is contrary to Policies MD1 (Location of New Development) and MD11 (Conversion and Renovation of Rural Buildings) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the Conversion and Renovation of Rural Buildings Supplementary Planning Guidance (2018) and advice in Technical Advice Note 12 (Design).

REASON FOR RECOMMENDATION

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

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

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



REVISION NOTES:

REVISION	PLANNING	Notes:
Rev : -	Date : 21st July 2021	Notes: Planning submission
Rev : A	Date : 10th August 2021	Notes: Planning submission
Rev : B	Date : 19th August 2021	Notes: Planning Boundary amended

Drawing status **PLANNING**



Project Name **Brooklands Farm, St Nicholas**
Project Ref **OAD_5239**
Drawing Ref **1101**
Drawing Name **Site Location Plan**
Drawn By **WS** Date **21.07.2021**
Scale **1:1250** Paper Size **A3** Rev **B**

2021/01386/RG3 Received on 22 September 2021

APPLICANT: Vale of Glamorgan Council, The Alps, Quarry Road, Cardiff, CF5 6AA

AGENT: Mr John Griffiths Blacksmiths Shop, The Forge, Cantref, Brecon, LD3 8LR

2, Dyffryn Close, St. Nicholas

Retrospective application for new roof covering

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 Perry due to concerns regarding the visual impact of replacement roof tiles on the application dwelling, which is a St Nicholas CAAMP identified 'positive building' and designated County Treasure, along with concerns regarding the potential of a precedent being set which may allow the Council's departments to undertake works to dwellings without the necessary planning permissions.

EXECUTIVE SUMMARY

This is a full, Vale of Glamorgan Regulation 3 planning application for the retrospective replacement of the roof tiles. The replacement roof tiles used are Marley Ashmore, a double plain roof tile, in colour 'smooth brown'. It should be noted that this is one of three applications to undertake the same works to Council owned properties within Dyffryn Close, which are subject to separate planning applications.

One letter of objection has been received from St Nicholas Community Council regarding the design of the replacement tile, its impact on the St Nicholas Conservation Area and on the County Treasures and 'Positive Buildings'.

The primary issues involved in the determination of this planning application include the design and visual impact of the replacement roof tiles on the character of the application site and wider street scene and whether the works preserve the character of the Conservation Area.

Whilst having considered the letters of representation received and taking matters into consideration, the retrospective application is recommended for approval.

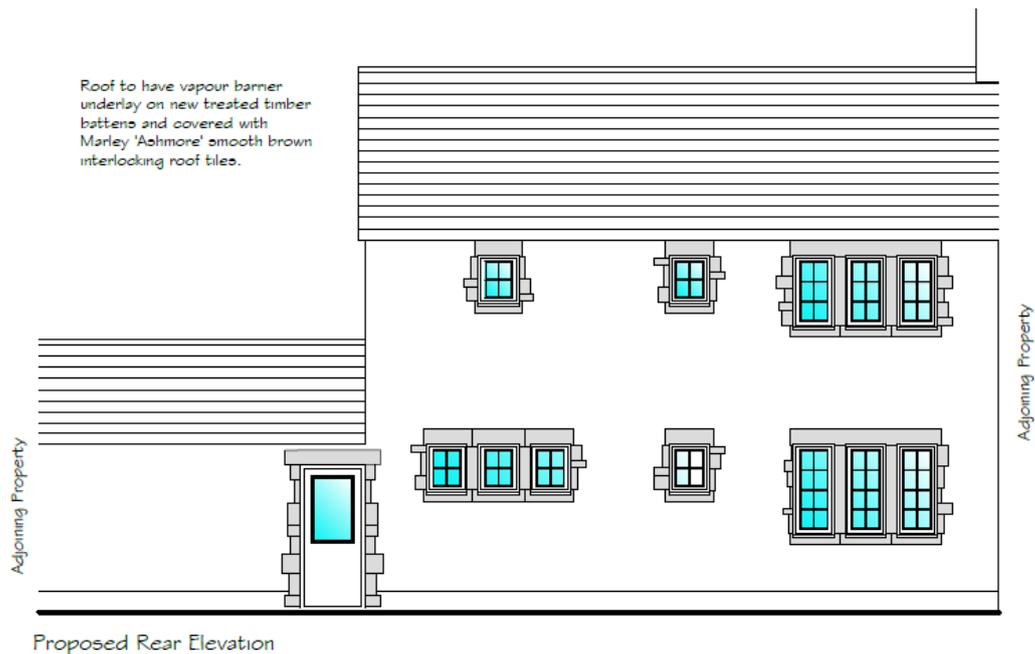
SITE AND CONTEXT

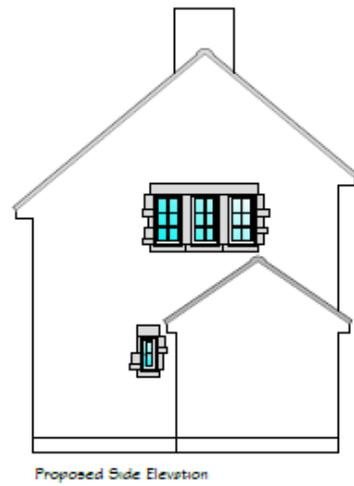
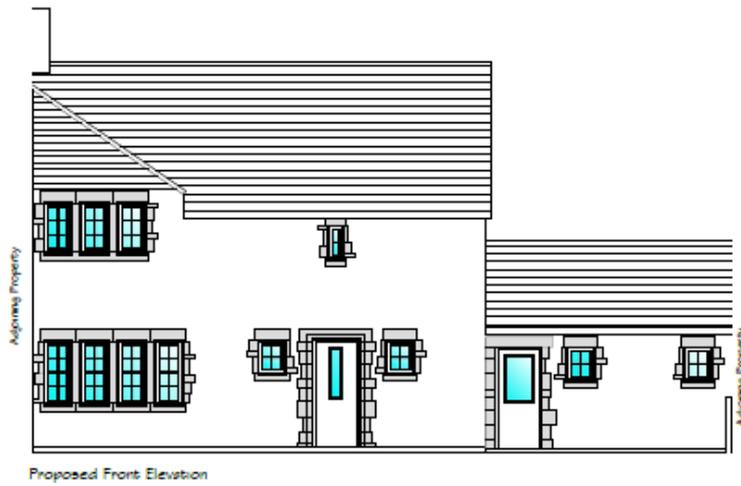
The application site relates to 2 Dyffryn Close, St Nicholas, a two storey semi-detached dwelling located within the St. Nicholas Settlement Boundary and Conservation Area as identified in the Adopted LDP 2011-2026. The St Nicholas Conservation Area Appraisal and Management Plan identifies the application site and wider Dyffryn Close cul-de-sac as 'positive' buildings, along with the dwelling being designated a County Treasure.



DESCRIPTION OF DEVELOPMENT

This is a full, retrospective planning application for the replacement of the roof tiles. The roof tiles used are Marley Ashmore, a double plain roof tile, in colour 'smooth brown'. It should be noted that this is one of three applications where works have been undertaken to the same Council owned properties within Dyffryn Close at No's 4 and 13 Dyffryn Close, which are subject to separate planning applications and reported to this Planning Committee.





ASHMORE

A single lap, interlocking double plain tile, with the engineered precision and ease of installation of an interlocking tile.



COLOUR AVAILABILITY



Key
(S) Smooth finish

An image of the replacement roof at 2 Dyffryn Close is visible below:



1 & 2 Dyffryn Close

PLANNING HISTORY

2019/01129/RG3, Address: 2, Dyffryn Close, St. Nicholas, Proposal: Re rendering of external walls and replacement of existing UPVC windows with white UPVC triple glazed windows, Decision: Approved

2021/01387/RG3, Address: 4, Dyffryn Close, St. Nicholas, Proposal: Retrospective application for new roof covering, Decision: Pending

2021/01388/RG3, Address: 13, Dyffryn Close, St Nicholas, Proposal: Retrospective application for new roof covering, Decision: Pending

CONSULTATIONS

St. Nicholas and Bonvilston Community Council were consulted on 7 October 2021, and Cllr Ian Perry responded, stating Objection, with a summary of the comments received below:

- The roof forms part of the historic character of individual buildings and Conservation Areas, so it is important that the continuity of roofing materials is maintained.
- Where individual property owners replace roof coverings in different materials from their neighbours this undermines the uniformity of the roof scape and harms the character and appearance of the Conservation Area.
- The Community Council has resolved to object to the use of replacement tiles that are very different and unsympathetic to the original roofing materials and seriously compromise the historic character and appearance of the area.
- The Vale of Glamorgan Council has a general duty to ensure the preservation and enhancement of the St. Nicholas Conservation Area in the determination of planning applications. It's also the policy of the Planning Authority to give extra publicity to planning applications within a Conservation Area.
- Supplementary Planning Guidance on County Treasures and Conservation Areas reinforces the inappropriateness of the choice of roofing material.
- The original roof covering is a concrete granular faced plain, double lapped tile – pictured. These are available from roofing merchants.
- The replacement single lap, interlocking double plain tiles (below) are not appropriate replacement tiles for the double lapped granular faced plain tiles, on a Locally Listed County Treasure, within a Conservation Area.
- The Community Council believes that the retrospective planning application must be refused and the unlawful work reversed.
- The decision made to approve retrospective planning application in March 2020 – 2020/00316/FUL – must not influence the determination of this application. The replacement roof tiles not matching with the originals on the adjoining property.

The former Wenvoe Ward Member was consulted on the 7 October 2021 and to date, no comments have been received.

REPRESENTATIONS

The neighbouring properties were consulted on 7 October 2021 and to date, no letters of representation have been received.

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 MD1 - Location of New Development

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.

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.

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

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

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

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:

- County Treasures
- Residential and Householder Development (2018)
- St Nicholas 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

Section 3.0 of the Council's Supplementary Planning Guidance on County Treasures stipulates that County Treasures within the Vale are considered to have special architectural or historic interest and of significance to the local community and therefore deserves preservation.

The principal issue to consider when assessing the replacement of the roof materials against the above policies and guidance is the impacts on the character of the building, the street scene and the conservation area.

Design and Visual Amenity

In policy terms the site is located within the settlement boundary for St. Nicholas, as identified by the Vale of Glamorgan Adopted LDP 2011-2026. Policy MD5 (Development within Settlement Boundaries) states that new development within settlements will be permitted where the proposed development:

- Makes efficient use of land or buildings.
- Is of 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 proposal would not result in the loss of natural or built features that individually or cumulatively contribute to the character of the settlement or its setting.

Policy MD2 (Design of New Development) is also relevant, and states that in order to create high quality, healthy, sustainable and locally distinct places development proposals should:

- Be of a high standard 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.
- Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.

The roof plane of 2 Dyffryn Close is prominent, although it appears somewhat visually separate from the remainder of the cul-de-sac and forms part of the wider roof plane of the adjoining semi-detached property. The roof plane is also visible from the highway.

The roof tiles that have been installed are Marley Ashmore, a double plain roof tile. This roof tile is of a larger format than the original tiles that they have replaced, however it is still a small plain tile which, together with the head lap used, will have a similar character and appearance on the roof to the original tiles, when viewed as a whole, particularly from the public realm within the conservation area. There is some minor variation to the colour used, however any replacement roof tile would not realistically be able to exactly replicate weathered tiles of this age and the roof as installed will weather in time.

Although not identical to the original roof materials that exist elsewhere on Dyffryn Crescent, the roof tiles that have been installed on 2, Dyffryn Close are, for the reasons set out above, not considered to be harmful. Notwithstanding this, a retrospective application for the replacement of the original roof tiles with the same Marley Ashmore Smooth Brown at 11, Dyffryn Close has been approved (REF: 2020/00316/FUL) prior to the submission of this retrospective application, with the authority's Conservation Officer stating that, whilst the loss of the original tiles is regrettable, the Marley Ashmore Smooth Brown tile specified in the application at 11, Dyffryn Close was considered an acceptable replacement.

Therefore, as a result of the above, the works as undertaken are not considered harmful to the property and the wider street scene and would preserve the character of this part of the Conservation Area, in accordance with Section 72 of the Act.

Other Matters

Correspondence received from the Council's Housing Department states that the rationale for replacing the roof tiles with the Marley Ashmore tiles was the result of a shortage of supply of the 'original' tiles, and the production of these tiles would result in a substantial delay. The date of this correspondence also coincides with the first national lockdown of the Coronavirus Pandemic in the first quarter of 2020, which would have also inevitably caused further delays to the supply of the 'like-for-like' roof tiles.

The comments submitted by Councillor Perry have been taken into consideration in the determination of this application, and, whilst applications are assessed on their own merit, the approval of the same roof tile - Marley Ashmore in Smooth Brown - at 11 Dyffryn Close is considered to be a material consideration in the assessment of this retrospective application.

Whilst concerns have also been raised by Cllr Perry regarding personal circumstances of applicants, the assessment and determination of planning applications does not take these circumstances into account, and applications are determined on their planning merits alone.

With regards to the comments received from Cllr Perry stating that the 'retrospective application be refused, and the unlawful work be reversed', officers are of the view that enforcement action would not be expedient in this case.

RECOMMENDATION

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

1. The development shall be retained in accordance with the following approved plans and documents:

TAL21/30/05 Previous and Existing Elevations Received: 22/09/2021

Reason:

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

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of new Development), MD5 (Development within Settlement Boundaries) and MD8 (Historic Environment) as well as the County Treasure SPG, the St. Nicholas CAAMP, and Planning Policy Wales Edition 11, the proposed replacement of the roof materials is considered to be acceptable in terms of its impacts on the character of 2 Dyffryn Crescent, the street scene and the St. Nicholas Conservation Area.

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

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.

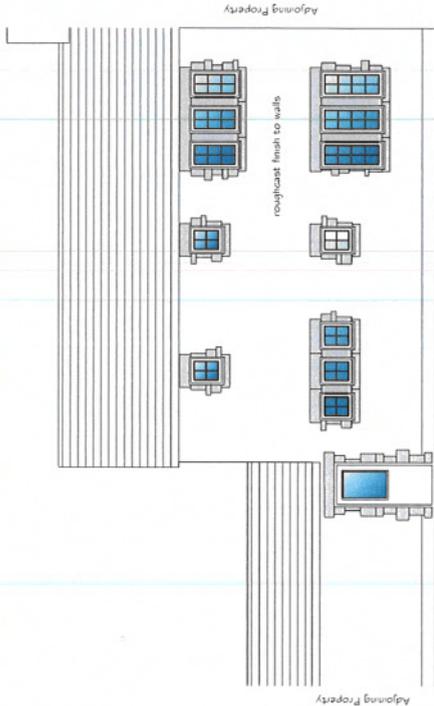
NOTE:

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.

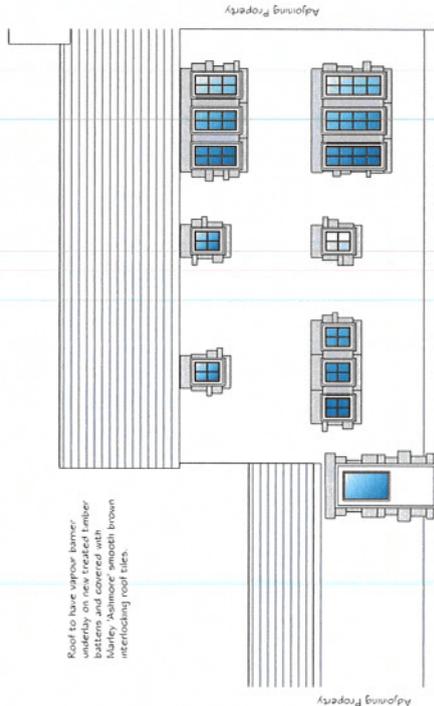
In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

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.

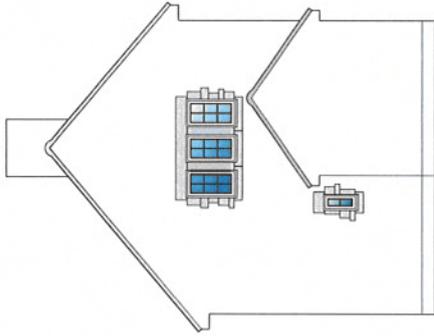
Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.



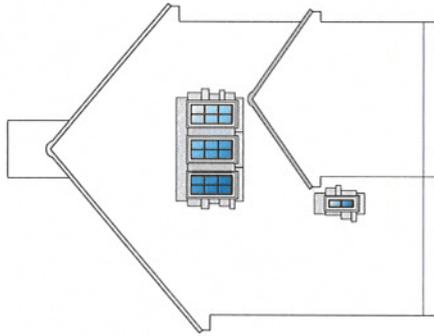
Existing Rear Elevation



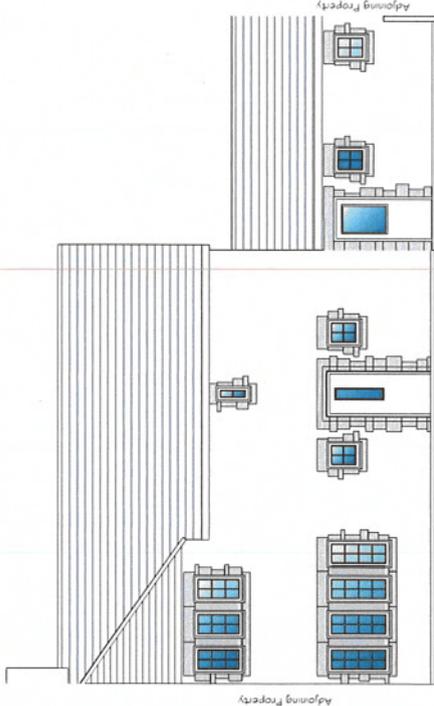
Proposed Rear Elevation



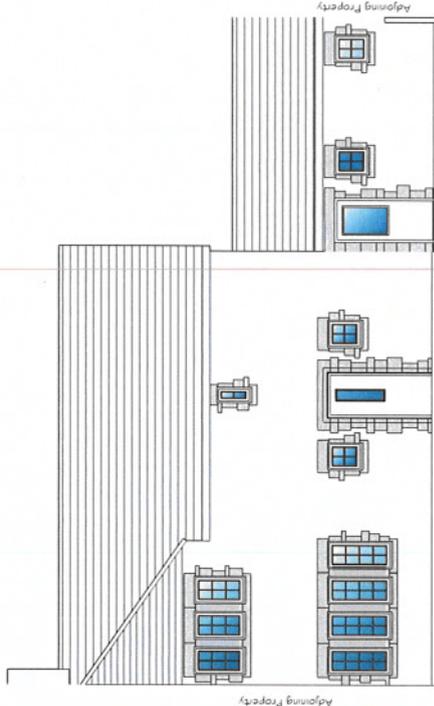
Existing Side Elevation



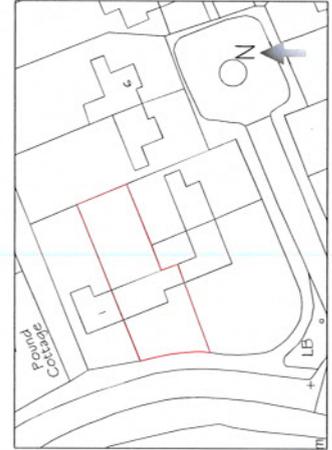
Proposed Side Elevation



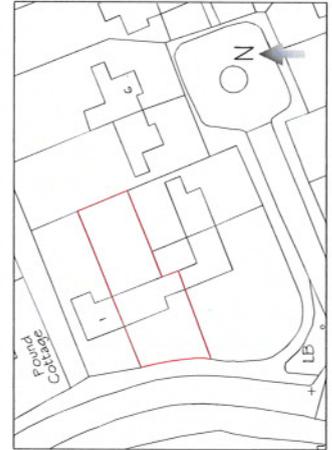
Existing Front Elevation



Proposed Front Elevation



Proposed Site Plan At 1:500 Scale



Existing Site Plan At 1:500 Scale



Site Location Plan at 1:1250 Scale

2021/01387/RG3 Received on 22 September 2021

APPLICANT: Vale of Glamorgan Council The Alps, Quarry Road, Cardiff, CF5 6AA
AGENT: Mr John Griffiths Tecta Associates Limited, Blacksmiths Shop, The Forge, Cantref, Brecon, LD3 8LR

4, Dyffryn Close, St. Nicholas

Retrospective application for new roof covering

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 Perry due to concerns regarding the visual impact of replacement roof tiles on the application dwelling, which is a St Nicholas CAAMP identified 'positive building' and designated County Treasure, along with concerns regarding the potential of a precedent being set which may allow the Council's departments to undertake works to dwellings without the necessary planning permissions.

EXECUTIVE SUMMARY

This is a full, Vale of Glamorgan Regulation 3 planning application for the retrospective replacement of the roof tiles. The replacement roof tiles used are Marley Ashmore, a double plain roof tile, in colour 'smooth brown'. It should be noted that this is one of three applications to undertake the same works to Council owned properties within Dyffryn Close, which are subject to separate planning applications.

One letter of objection has been received from St Nicholas Community Council regarding the design of the replacement tile, its impact on the St Nicholas Conservation Area and on the County Treasures and 'Positive Buildings'.

The primary issues involved in the determination of this planning application include the design and visual impact of the replacement roof tiles on the character of the application site and wider street scene and whether the works preserve the character of the Conservation Area.

Whilst having considered the letters of representation received and taking matters into consideration, the retrospective application is recommended for approval.

SITE AND CONTEXT

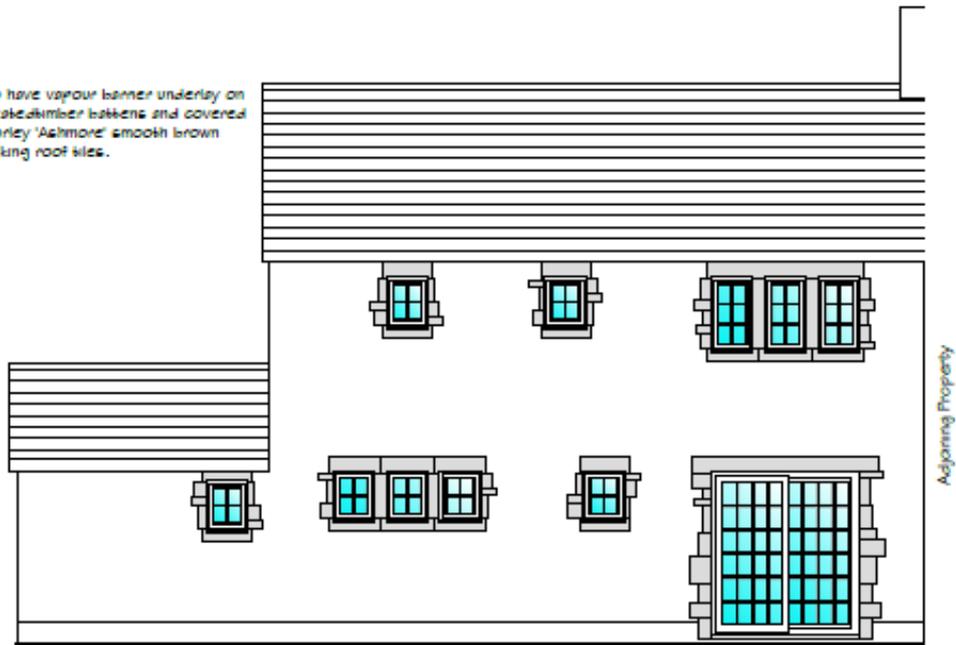
The application site relates to 4, Dyffryn Close, St Nicholas, a two storey semi-detached dwelling located within the St. Nicholas Settlement Boundary and Conservation Area as identified in the Adopted LDP 2011-2026. The St Nicholas Conservation Area Appraisal and Management Plan identifies the application site and wider Dyffryn Close cul-de-sac as 'positive' buildings, along with the dwelling being designated a County Treasure.



DESCRIPTION OF DEVELOPMENT

This is a full, retrospective planning application for the replacement of the roof tiles. The roof tiles used are Marley Ashmore, a double plain roof tile, in colour 'smooth brown'. It should be noted that this is one of three applications where works have been undertaken to the Council owned properties within Dyffryn Close at No's 2 and 13, which are subject to separate planning applications and reported to this Planning Committee.

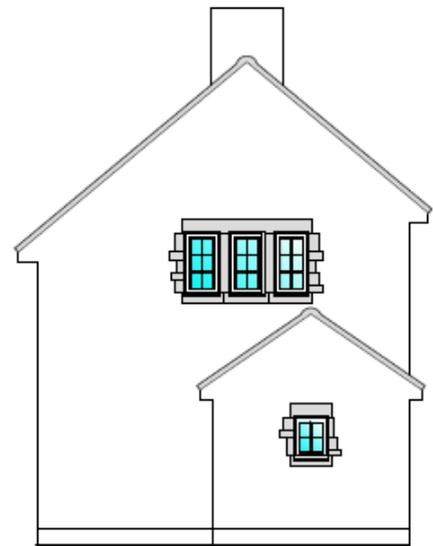
Roof to have vapour barrier underlay on new treated timber battens and covered with Marley 'Ashtone' smooth brown interlocking roof tiles.



Proposed Rear Elevation



Proposed Front Elevation



Proposed Side Elevation

ASHMORE

A single lap, interlocking double plain tile, with the engineered precision and ease of installation of an interlocking tile.



COLOUR AVAILABILITY



Key
(S) Smooth finish

An image of the replacement roof on 4 Dyffryn Close is visible below:



PLANNING HISTORY

2019/01128/RG3, Address: 4, Dyffryn Close, St. Nicholas, Proposal: Re rendering of external walls and replacement of existing UPVC windows with white UPVC triple glazed windows, Decision: Approved

2021/01386/RG3, Address: 2, Dyffryn Close, St Nicholas, Proposal: Retrospective application for a new roof covering, Decision: Pending

2021/01388/RG3, Address: 13, Dyffryn Close, St Nicholas, Proposal: Retrospective application for new roof covering, Decision: Pending

CONSULTATIONS

St. Nicholas and Bonvilston Community Council were consulted on 8 October 2021, and Cllr Ian Perry responded, stating Objection, with a summary of the comments received below:

- The roof forms part of the historic character of individual buildings and Conservation Areas, so it is important that the continuity of roofing materials is maintained.
- Where individual property owners replace roof coverings in different materials from their neighbours this undermines the uniformity of the roof scape and harms the character and appearance of the Conservation Area.
- The Community Council has resolved to object to the use of replacement tiles that are very different and unsympathetic to the original roofing materials and seriously compromise the historic character and appearance of the area.
- The Vale of Glamorgan Council has a general duty to ensure the preservation and enhancement of the St. Nicholas Conservation Area in the determination of planning applications. It's also the policy of the Planning Authority to give extra publicity to planning applications within a Conservation Area.
- Supplementary Planning Guidance on County Treasures and Conservation Areas reinforces the inappropriateness of the choice of roofing material.
- The original roof covering is a concrete granular faced plain, double lapped tile – pictured. These are available from roofing merchants.
- The replacement single lap, interlocking double plain tiles are not appropriate replacement tiles for the double lapped granular faced plain tiles, on a Locally Listed County Treasure, within a Conservation Area.
- The Community Council believes that the retrospective planning application must be refused and the unlawful work reversed.
- The decision made to approve retrospective planning application in March 2020 – 2020/00316/FUL – must not influence the determination of this application.
- The replacement roof tiles not matching with the originals on the adjoining property.

The former Wenvoe Ward Member was consulted on the 8 October 2021 and to date, no comments have been received.

REPRESENTATIONS

The neighbouring properties were consulted on 8 October 2021 and to date, no letters of representation have been received.

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 MD1 – Location of New Development
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.

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.

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

Chapter 6 – Distinctive and Natural Places

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

Technical Advice Notes:

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

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

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:

- County Treasures
- Residential and Householder Development (2018)
- St Nicholas 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

Section 3.0 of the Councils Supplementary Planning Guidance on County Treasures stipulates that County Treasures within the Vale are considered to have special architectural or historic interest and of significance to the local community and therefore deserves preservation.

The principal issue to consider when assessing the replacement of the roof materials against the above policies and guidance is the impacts on the character of the building, the street scene and the conservation area.

Design and Visual Amenity

In policy terms the site is located within the settlement boundary for St. Nicholas, as identified by the Vale of Glamorgan Adopted LDP 2011-2026. Policy MD5 (Development within Settlement Boundaries) states that new development within settlements will be permitted where the proposed development:

- Makes efficient use of land or buildings.
- Is of 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 proposal would not result in the loss of natural or built features that individually or cumulatively contribute to the character of the settlement or its setting.

Policy MD2 (Design of New Development) is also relevant, and states that in order to create high quality, healthy, sustainable and locally distinct places development proposals should:

- Be of a high standard 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.
- Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.

The roof plane of 4, Dyffryn Close is prominent within the cul-de-sac and forms part of the wider roof plane of the adjoining semi-detached property.

The roof tiles that have been installed are Marley Ashmore, a double plain roof tile. This roof tile is of a larger format than the original tiles that they have replaced, however it is still a small plain tile which together with the head lap used, will have a similar character and appearance on the roof to the original tiles, when viewed as a whole, particularly from the public realm within the conservation area. There is some minor variation to the colour

used, however any replacement roof tile would not realistically be able to exactly replicate weathered tiles of this age and the roof as installed will weather in time.

Although not identical to the original roof materials that exist elsewhere on Dyffryn Crescent, the roof tiles that have been installed on 4, Dyffryn Close are, for the reasons set out above, not considered to be harmful. Notwithstanding this, a retrospective application for the replacement of the original roof tiles with the same Marley Ashmore Smooth Brown at 11, Dyffryn Close has been approved (REF: 2020/00316/FUL) prior to the submission of this retrospective application, with the authority's Conservation Officer stating that, whilst the loss of the original tiles is regrettable, the Marley Ashmore Smooth Brown tile specified in the application at 11, Dyffryn Close was considered an acceptable replacement.

Therefore, as a result of the above, the works as undertaken are not considered harmful to the property and the wider street scene and would preserve the character of this part of the Conservation Area, in accordance with Section 72 of the Act.

Other Matters

Correspondence received from the Council's Housing Department states that the rationale for replacing the roof tiles with the Marley Ashmore tiles was the result of a shortage of supply of the 'original' tiles, and the production of these tiles would result in a three month delay, therefore would not be a viable alternative in the replacement of the roof. The date of this correspondence also coincides with the first national lockdown of the Coronavirus Pandemic in the first quarter of 2020, which would have also inevitably caused further delays to the supply of the 'like-for-like' roof tiles.

The comments submitted by Councillor Perry have been taken into consideration in the determination of this application, and, whilst applications are assessed on their own merit, the approval of the same roof tile - Marley Ashmore in Smooth Brown - at 11 Dyffryn Close is a material consideration in the assessment of this retrospective application.

Whilst concerns have also been raised by Cllr Perry regarding personal circumstances of applicants, the assessment and determination of planning applications does not take these circumstances into account, and applications are determined on their planning merits alone.

With regards to the comments received from Cllr Perry stating that the 'retrospective application be refused, and the unlawful work be reversed', officers are of the view that enforcement action would not be expedient in this case.

RECOMMENDATION

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

1. The development shall be retained in accordance with the following approved plans and documents:

TAL21/30/04 Previous & Existing Elevations Received: 22/09/2021

Reason:

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

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of new Development), MD5 (Development within Settlement Boundaries) and MD8 (Historic Environment) as well as the County Treasure SPG, the St. Nicholas CAAMP, and Planning Policy Wales Edition 11, the proposed replacement of the roof materials is considered to be acceptable in terms of its impacts on the character of 4 Dyffryn Crescent, the street scene and the St. Nicholas Conservation Area.

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

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).

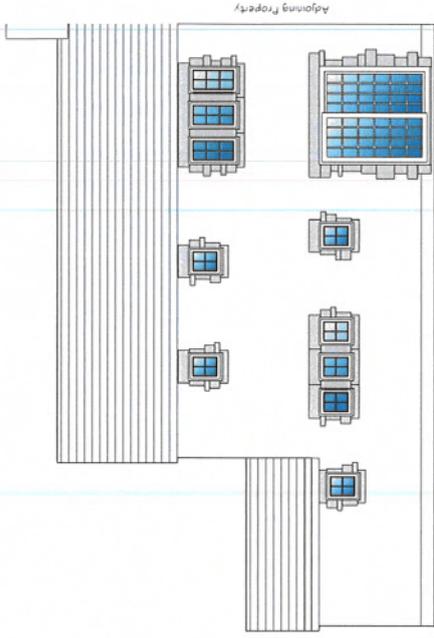
The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised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

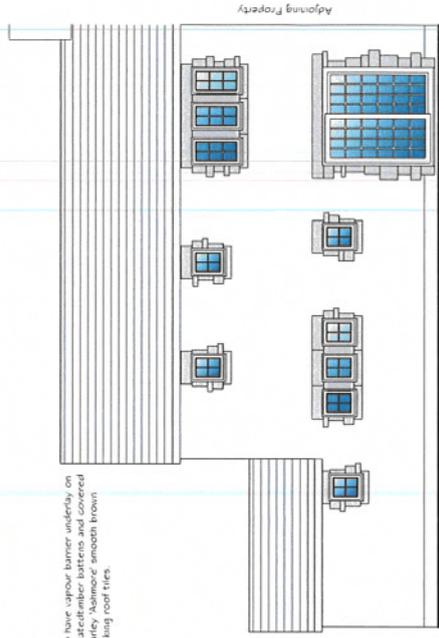
Tecta Associates Ltd
 Tel: 01685 352731 / Mobile: 07765600405
 E-mail: info@tecta-associates.co.uk

Title: Retrospective Application - New Roof Covering
Scale: 1:50 (At A1)
Date: Sept 2021
Client: Vale Of Glamorgan County Council
 The Alps Depot, Alps Quarry Road, Venmore, CF5 6AA
Number: TAL21/300/4

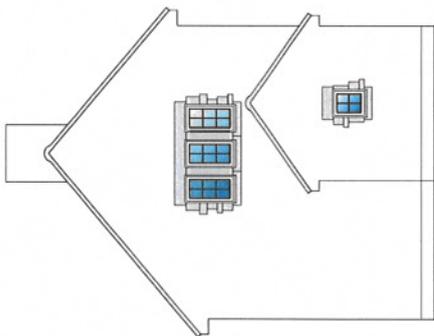
© Tecta Associates Limited
 Drawn from this drawing, all dimensions must be checked on site.



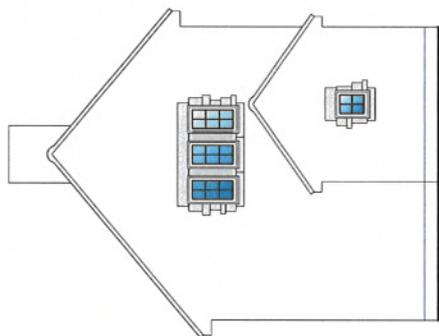
Existing Rear Elevation



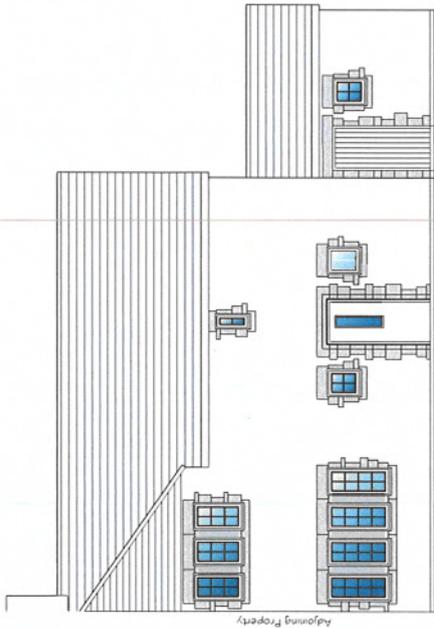
Proposed Rear Elevation



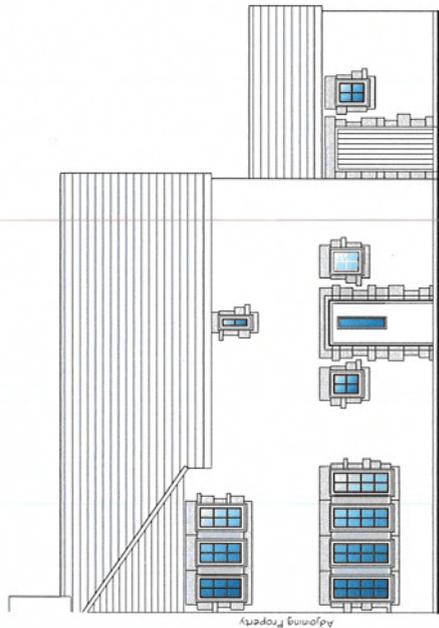
Existing Side Elevation



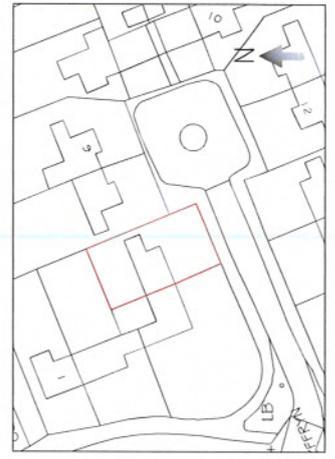
Proposed Side Elevation



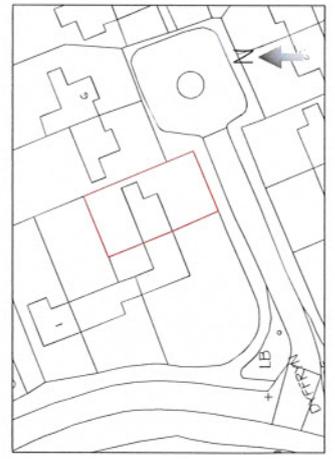
Existing Front Elevation



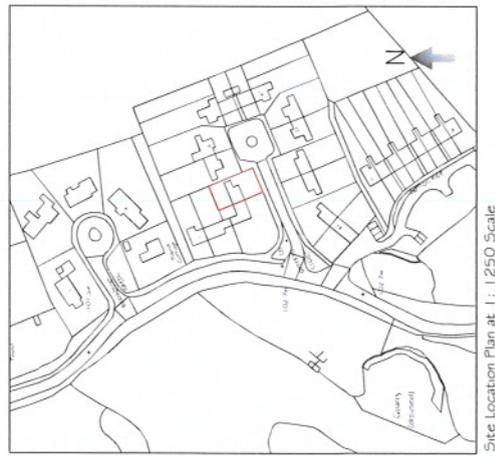
Proposed Front Elevation



Proposed Site Plan At 1:500 Scale



Existing Site Plan At 1:500 Scale



Site Location Plan at 1:1250 Scale

2021/01388/RG3 Received on 22 September 2021

APPLICANT: Vale of Glamorgan Council The Alps, Quarry Road, Cardiff, CF6 6AA

AGENT: Mr John Griffiths Blacksmiths Shop, The Forge, Cantref, Brecon, LD3 8LR

13, Dyffryn Close, St. Nicholas

Retrospective planning application for change of roof covering

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 Perry due to concerns regarding the visual impact of replacement roof tiles on the application dwelling, which is a St Nicholas CAAMP identified 'positive building' and designated County Treasure, along with concerns regarding the potential of a precedent being set which may allow the Council's departments to undertake works to dwellings without the necessary planning permissions.

EXECUTIVE SUMMARY

This is a full, Vale of Glamorgan Regulation 3 planning application for the retrospective replacement of the roof tiles. The replacement roof tiles used are Marley Ashmore, a double plain roof tile, in colour 'smooth brown'. It should be noted that this is one of three applications to undertake the same works to Council owned properties within Dyffryn Close, which are subject to separate planning applications.

One letter of objection has been received from St Nicholas Community Council regarding the design of the replacement tile, its impact on the St Nicholas Conservation Area and on the County Treasures and 'Positive Buildings'.

The primary issues involved in the determination of this planning application include the design and visual impact of the replacement roof tiles on the character of the application site and wider street scene and whether the works preserve the character of the Conservation Area.

Whilst having considered the letters of representation received and taking matters into consideration, the retrospective application is recommended for approval.

SITE AND CONTEXT

The application site relates to 13, Dyffryn Close, St Nicholas, a two storey semi-detached dwelling located within the St. Nicholas Settlement Boundary and Conservation Area as identified in the Adopted LDP 2011-2026. The St Nicholas Conservation Area Appraisal and Management Plan identifies the application site and wider Dyffryn Close cul-de-sac as 'positive' buildings, along with the dwelling being designated a County Treasure.



DESCRIPTION OF DEVELOPMENT

This is a full, retrospective planning application for the replacement of the roof tiles. The roof tiles used are Marley Ashmore, a double plain roof tile, in colour 'smooth brown'. It should be noted that this is one of three applications where works have been undertaken to the same Council owned properties within Dyffryn Close at No's 4 and 2 Dyffryn Close, which are subject to separate planning applications and reported to this Planning Committee.

Roof to have vapour barrier underlay on new treated timber battens and covered with Marley 'Ashmore' smooth brown interlocking roof tiles.



Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation

ASHMORE

A single lap, interlocking double plain tile, with the engineered precision and ease of installation of an interlocking tile.



COLOUR AVAILABILITY



Smooth Brown (S)



Smooth Grey (S)



Old English Dark Red (S)

Key
(S) Smooth finish

An image of the replacement roof on 13 Dyffryn Close is visible below:



13 & 14 Dyffryn Close

PLANNING HISTORY

2019/01127/RG3, Address: 13, Dyffryn Close, St. Nicholas, Proposal: Re rendering of external walls and replacement of existing UPVC windows with white UPVC triple glazed windows, Decision: Approved

2021/01387/RG3, Address: 4, Dyffryn Close, St. Nicholas, Proposal: Retrospective application for new roof covering, Decision: Pending

2021/01386/RG3, Address: 2, Dyffryn Close, St Nicholas, Proposal: Retrospective application for new roof covering, Decision: Pending

CONSULTATIONS

St. Nicholas and Bonvilston Community Council were consulted on 11 October 2021, and Cllr Ian Perry responded, stating Objection, with a summary of the comments received below:

- The roof forms part of the historic character of individual buildings and Conservation Areas, so it is important that the continuity of roofing materials is maintained.
- Where individual property owners replace roof coverings in different materials from their neighbours this undermines the uniformity of the roof scape and harms the character and appearance of the Conservation Area.
- The Community Council has resolved to object to the use of replacement tiles that are very different and unsympathetic to the original roofing materials and seriously compromise the historic character and appearance of the area.
- The Vale of Glamorgan Council has a general duty to ensure the preservation and enhancement of the St. Nicholas Conservation Area in the determination of planning applications. It's also the policy of the Planning Authority to give extra publicity to planning applications within a Conservation Area.

- Supplementary Planning Guidance on County Treasures and Conservation Areas reinforces the inappropriateness of the choice of roofing material.
- The original roof covering is a concrete granular faced plain, double lapped tile – pictured. These are available from roofing merchants.
- The replacement single lap, interlocking double plain tiles (below) are not appropriate replacement tiles for the double lapped granular faced plain tiles, on a Locally Listed County Treasure, within a Conservation Area.
- The Community Council believes that the retrospective planning application must be refused and the unlawful work reversed.
- The decision made to approve retrospective planning application in March 2020 – 2020/00316/FUL – must not influence the determination of this application.
- The replacement roof tiles not matching with the originals on the adjoining property.

The former Wenvoe Ward Member was consulted on the 11 October 2021 and to date, no comments have been received.

REPRESENTATIONS

The neighbouring properties were consulted on 11 October 2021 and to date, no letters of representation have been received.

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 MD1 - Location of New Development
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.

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.

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

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

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

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:

- County Treasures
- Residential and Householder Development (2018)
- St Nicholas 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

Section 3.0 of the Council's Supplementary Planning Guidance on County Treasures stipulates that County Treasures within the Vale are considered to have special architectural or historic interest and of significance to the local community and therefore deserves preservation.

The principal issue to consider when assessing the replacement of the roof materials against the above policies and guidance is the impacts on the character of the building, the street scene and the conservation area.

Design and Visual Amenity

In policy terms the site is located within the settlement boundary for St. Nicholas, as identified by the Vale of Glamorgan Adopted LDP 2011-2026. Policy MD5 (Development within Settlement Boundaries) states that new development within settlements will be permitted where the proposed development:

- Makes efficient use of land or buildings.
- Is of 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 proposal would not result in the loss of natural or built features that individually or cumulatively contribute to the character of the settlement or its setting.

Policy MD2 (Design of New Development) is also relevant, and states that in order to create high quality, healthy, sustainable and locally distinct places development proposals should:

- Be of a high standard 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.
- Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.

The roof plane of 13, Dyffryn Close is prominent within the cul-de-sac and forms part of the wider roof plane of the adjoining semi-detached property. The rear roof plane is also visible from the area of Public Open Space that exists to the south-east of the site.

The roof tiles that have been installed are Marley Ashmore, a double plain roof tile. This roof tile is of a larger format than the original tiles that they have replaced, however it is still a small plain tile which together with the head lap used, will have a similar character and appearance on the roof to the original tiles, when viewed as a whole, particularly from the public realm within the conservation area. There is some minor variation to the colour used, however any replacement roof tile would not realistically be able to exactly replicate weathered tiles of this age and the roof as installed will weather in time.

Although not identical to the original roof materials that exist elsewhere on Dyffryn Crescent, the roof tiles that have been installed on 13, Dyffryn Close are, for the reasons set out above, not considered to be harmful. Notwithstanding this, a retrospective application for the replacement of the original roof tiles with the same Marley Ashmore Smooth Brown at 11, Dyffryn Close has been approved (REF: 2020/00316/FUL) prior to the submission of this retrospective application, with the authority's Conservation Officer stating that, whilst the loss of the original tiles is regrettable, the Marley Ashmore Smooth Brown tile specified in the application at 11, Dyffryn Close was considered an acceptable replacement.

Therefore, as a result of the above, the works as undertaken are not considered harmful to the property and the wider street scene and would preserve the character of this part of the Conservation Area, in accordance with Section 72 of the Act.

Other Matters

Correspondence received from the Councils Housing Department states that the rationale for replacing the roof tiles with the Marley Ashmore tiles was the result of a shortage of supply of the 'original' tiles, and the production of these tiles would result in a three month delay, therefore would not be a viable alternative in the replacement of the roof. The date of this correspondence also coincides with the first national lockdown of the Coronavirus Pandemic in the first quarter of 2020, which would have also inevitably caused further delays to the supply of the 'like-for-like' roof tiles.

The comments submitted by Councillor Perry have been taken into consideration in the determination of this application, and, whilst applications are assessed on their own merit, the approval of the same roof tile - Marley Ashmore in Smooth Brown - at 11 Dyffryn Close is a material consideration in the assessment of this retrospective application.

Whilst concerns have also been raised by Cllr Perry regarding personal circumstances of applicants, the assessment and determination of planning applications does not take these circumstances into account, and applications are determined on their planning merits alone.

With regards to the comments received from Cllr Perry stating that the 'retrospective application be refused, and the unlawful work be reversed', officers are of the view that enforcement action would not be expedient in this case.

RECOMMENDATION

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

1. The development shall be retained in accordance with the following approved plans and documents:

TAL21/30/03 Previous and Existing Elevations Received: 22/09/2021

Reason:

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

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of new Development), MD5 (Development within Settlement Boundaries) and MD8 (Historic Environment) as well as the County Treasure SPG, the St. Nicholas CAAMP, and Planning Policy Wales Edition 11, the proposed replacement of the roof materials is considered to be acceptable in terms of its impacts on the character of 13 Dyffryn Crescent, the street scene and the St. Nicholas Conservation Area.

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

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.

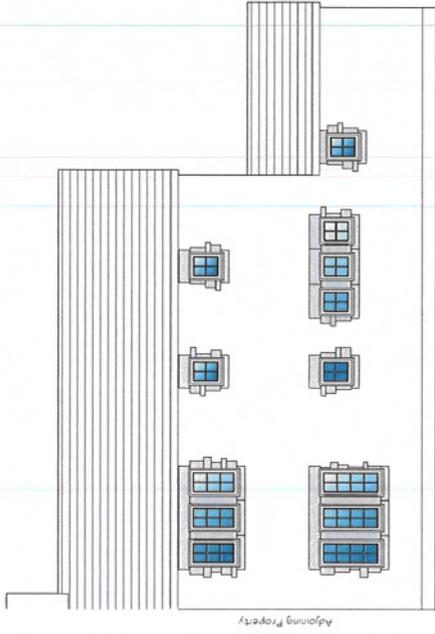
In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

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.

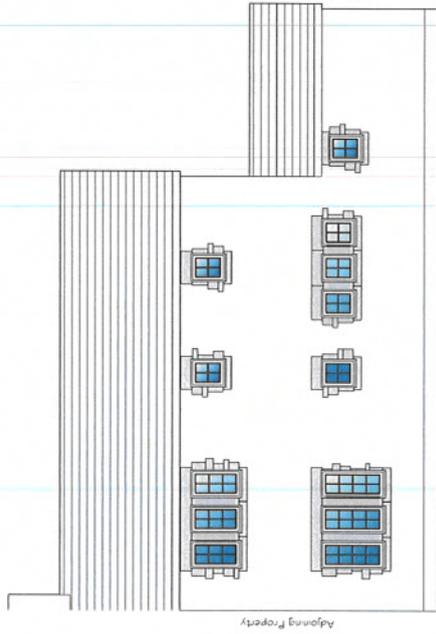
Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Tecta Associates Ltd		Tel: - 01685 352731 / Mobile: - 07765600405	Scale: 1:50 (A1)
E-mail: info@tecta-associates.co.uk		Date: Sept 2021	Number: TAL2 / 03003
Title: Retrospective Application - New Roof Covering			
Previous & Existing Elevations			
1/3 Duffryn Close, St Nicholas, CF5 6SS			
Client: Vale Of Glamorgan County Council			
The Alps Depot, Alps Quarry Road, Wrennion, CF5 6AA			

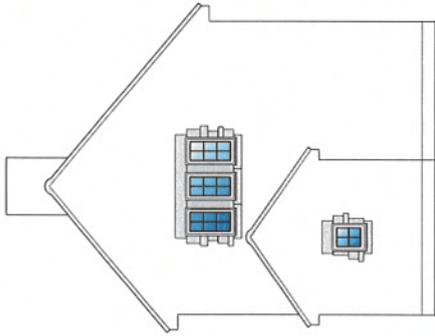
Do not scale from this drawing, all dimensions must be checked on site. © Tecta Associates Limited



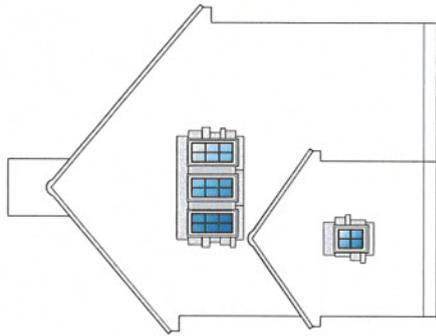
Existing Rear Elevation



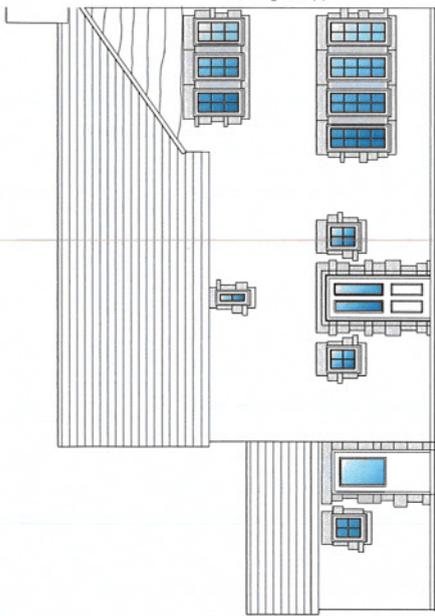
Proposed Rear Elevation



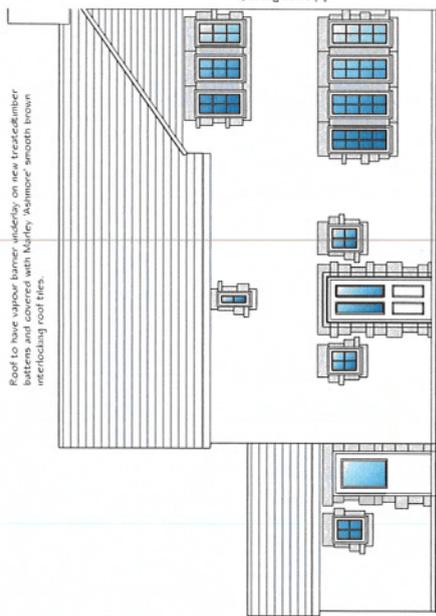
Existing Side Elevation



Proposed Side Elevation



Existing Front Elevation

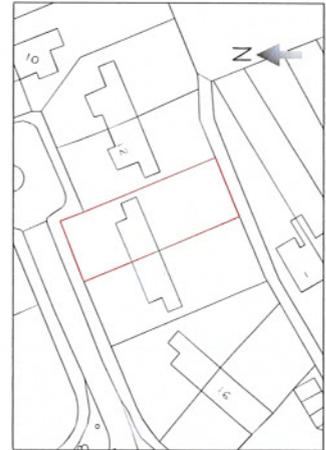


Proposed Front Elevation

Roof to have vapour barrier, underlay, on new trapeziumber roof tiles with Hickey 'Admore' smooth brown interlocking roof tiles.



Proposed Site Plan At 1:500 Scale



Existing Site Plan At 1:500 Scale



Site Location Plan at 1:1250 Scale

2021/01809/FUL Received on 6 January 2022

APPLICANT: Mr Eugene McKay c/o Agent, Unit D - Lunesdale, Upton Magna Business Park, Shrewsbury, SY4 4TT

AGENT: Tim Williams Green Planning Studio Ltd, Unit D - Lunesdale, Upton Magna Business Park, Shrewsbury, SY4 4TT

Barn (to the north of Howe Mill Farm), St Athan Road, St Mary Church

Change of use of a barn to dwelling to be used for holiday purposes

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

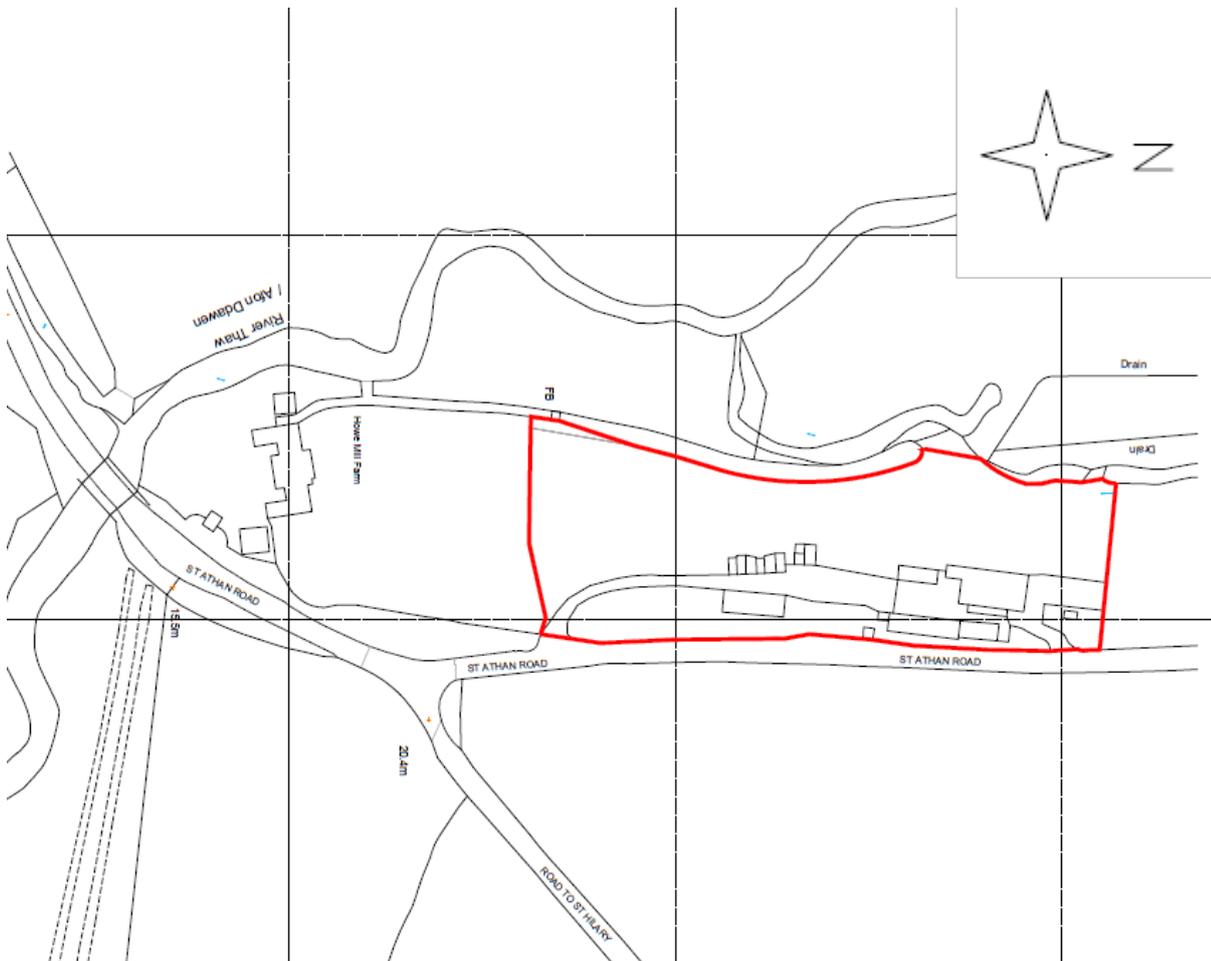
This partly retrospective planning application relates to the conversion and alteration of a building for a holiday let use at the above site, which is located within the open countryside to the south of Cowbridge. The proposal also includes providing a visibility splay at the access which would require the potential removal of hedgerow and trees. The main issues to consider are the principle of the development, the design and impact on the character and appearance of the building and application site, the impact on highway safety and the impact on biodiversity. The barn has been subject to significant external alterations and it is considered that those changes, which are in conflict with Policy MD11 of the LDP and the Council's SPG, are harmful to the appearance of the building and the character of the area.

It is recommended that the planning application be REFUSED and that PLANNING ENFORCEMENT ACTION BE AUTHORISED in order that a planning enforcement notice may be pursued to remedy the breach of planning control that has resulted in visual harm to the character of the area. Furthermore, the application has not demonstrated it would have an acceptable impact on ecology and biodiversity. 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.

Further to the above Enforcement Action, it is noted there are other breaches in the wider site area that are not related to the application building. These will be investigated under an Enforcement case and further action would be taken if needed.

SITE AND CONTEXT

The application site relates to what is described as a barn, at a site to the north of Howe Mill Farm off St. Athans Road near to St. Mary Church. It is stated that the building has been used for agricultural purposes in the past. The site location plan is provided below:



The site is located in the countryside, approximately 700m by road to the northeast of St. Marys Church and approximately 2km to the south of Cowbridge (the nearest settlement). The River Thaw flows to the west of the site.

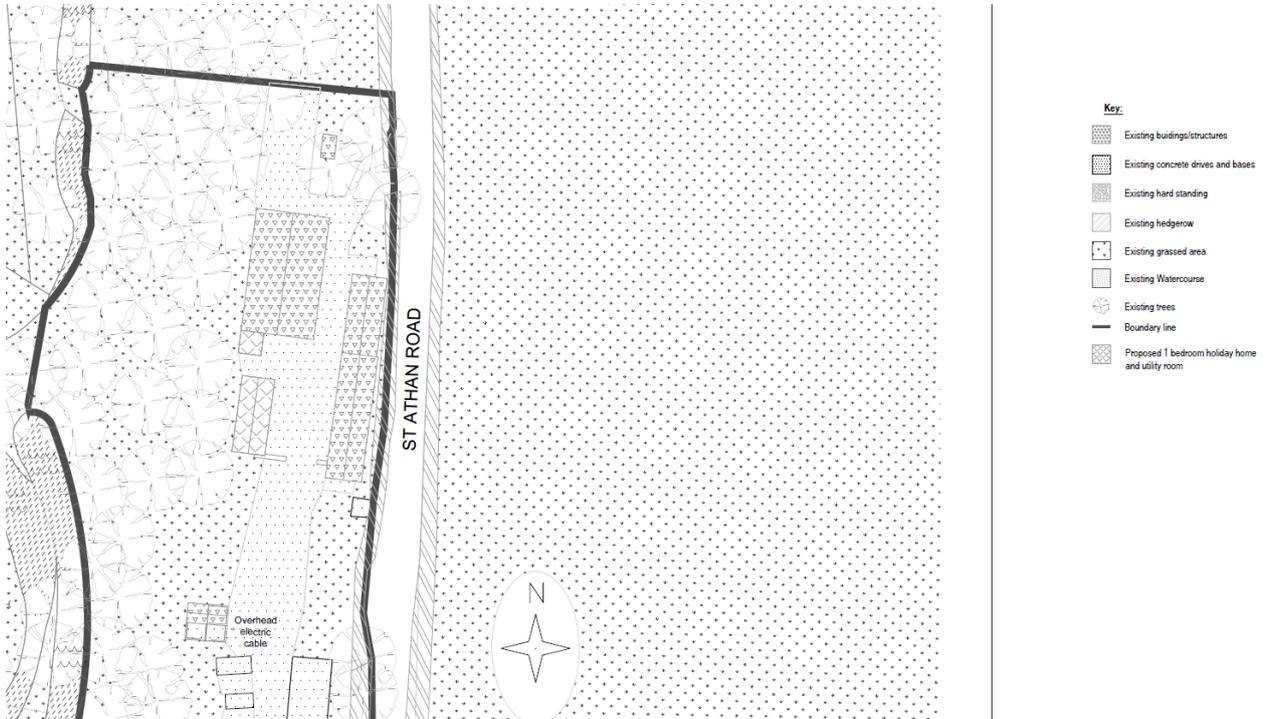
The site is within the Upper and Lower Thaw Valley Strategic Landscape Area (see LDP Policy MG 17) and includes a Site of Importance for Nature Conservation (Coed y Grabla). The site is also located within category 2 minerals safeguarding area for Limestone, Sandstone and Sand and Gravel safeguarding. An area of C2 flood zone is located along the eastern boundary of the application site. Council records also indicate the agricultural classification of some of the land within the application site is grade 3a (good to moderate quality agricultural land) i.e. Best and Most Versatile (BMV) agricultural land. In addition, the site is in an Aviation Safeguarding Zone.

DESCRIPTION OF DEVELOPMENT

The application seeks consent for, a “*Change of use of a barn to dwelling to be used for holiday purposes*”. Following a request for further clarification of the use, it has been stated that the building would be used as a small scale holiday let for business purposes.

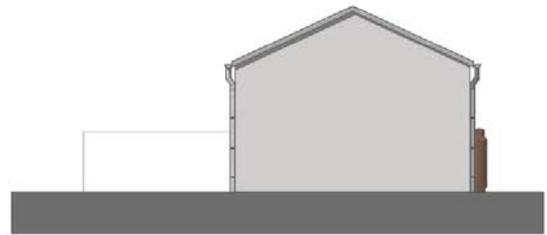
The application details state that the building to be converted has previously been re-roofed and rendered and doors and windows fitted. The conversion would provide a one bedroom unit, with an open plan living room and kitchen, bedroom and bathroom.

The site area also contains some other buildings, however their uses are not identified and do not form part of the consideration of this planning application. No materials or finishes have been specified in the application form, however, the building has been rendered and painted and re roofed with tile effect dark grey metal sheets roof, with brown UPVC windows and doors with leaded effect glazing.



Entrance Elevation

1:50



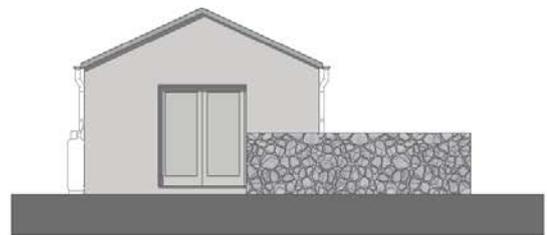
Right Side Elevation

1:50



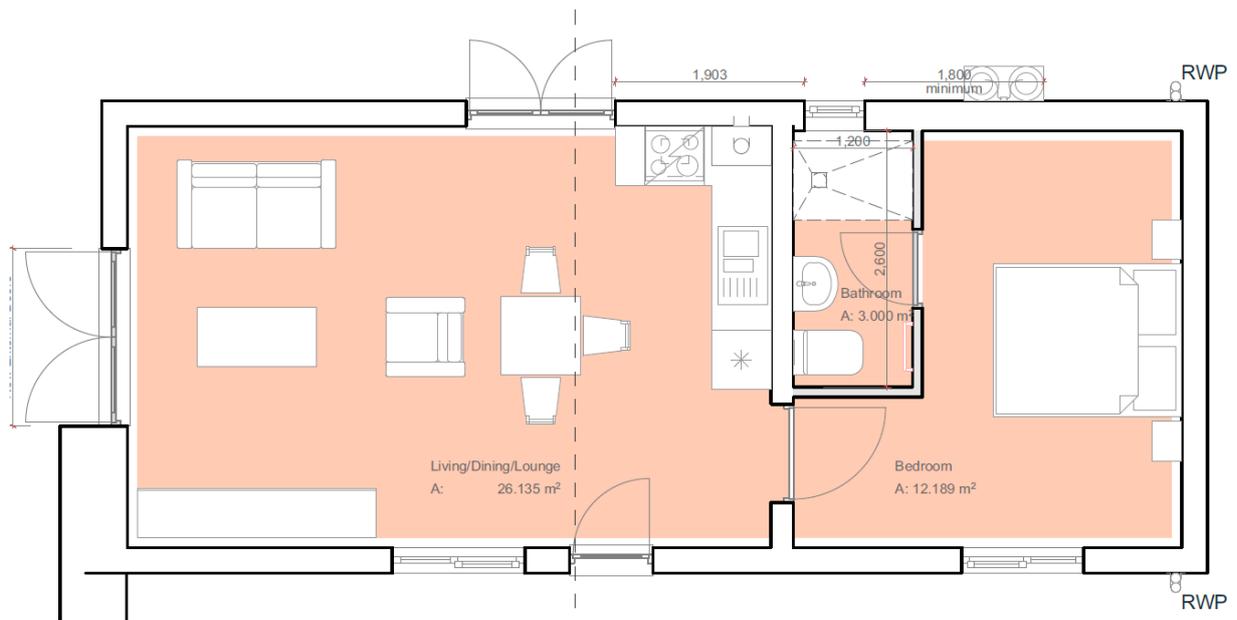
Back Elevation

1:50



Left Side Elevation

1:50



A plan detailing a 'visibility splay' of 2.4m x 58m at the access has been provided:



The application is supported by the following:

- A Planning Statement.
- 7-day ATC traffic data

PLANNING HISTORY

None

CONSULTATIONS

Cowbridge Ward Members were consulted on 19 January 2022. No response has been received at the time of writing this report.

Llanfair Community Council were consulted on 19 January 2022. They have responded with the following: *“Concerns relating to the highway whereby traffic would be emerging onto a narrow, busy, fast road, on a bend and near a junction”*.

Councils Drainage Section were consulted on 19 January 2022. No response has been received at the time of writing this report.

Councils Ecology Officer was consulted on 19 January 2022. No response has been received at the time of writing this report.

Councils Highway Development Team were consulted on 19 January 2022 and re-consulted, following the submission of a traffic speed test and the submission of a 2.4m x 58m visibility splay.

They have responded as follows (as summarised):

No highway objection is raised in relation to the development provided that the following details are made conditional to the planning consent.

- 1. Visibility splays of 2.4m x 58m in both directions along the adjacent highway are required to be provided and maintain in perpetuity. Within the visibility envelopes, no obstructions e.g. boundary walls, fencing etc. shall be greater than 600 mm in height above the carriageway channel edge and any planting will be located at the rear of the splay.*
- 2. Any proposed gate needs to be set back by a minimum distance of 6.0m from the boundary of the adjacent highway and the access to the proposed gate needs to be constructed in a bound material (Tarmacked).*

The applicant is required to contact Highway Maintenance team (prior to carrying out any works on site adjacent to the adopted highway).

Shared Regulatory Services (Pollution) were consulted on 19 January 2022. They have responded, stating *“In reviewing available records and the application for the proposed development, the site has been identified as formerly agricultural storage and surrounds. Contamination is not known at this site, however the potential for this cannot be ruled out and the ‘unforeseen contamination’ condition is requested”*. An advisory note for contamination and unstable land is also suggested.

Councils Tourism & Marketing Team were consulted on 19 January 2022. No response has been received at the time of writing this report.

Glamorgan Gwent Archaeological Trust (GGAT) were consulted on 19 January 2022. They have responded stating that the property probably dates to the mid or late 20th Century and is not shown on any historic mapping and is not noted in the Historic Environment Record. They raise no objection as it is their opinion that it is unlikely that archaeological material would be encountered.

Dwr Cymru/Welsh Water were consulted on 19 January 2022. They have responded with *no further comment to make*.

Natural Resources Wales were consulted on 26 January 2022. They have responded with no objection. They note the site includes a small area of Zone C2 of the Development Advice Map (DAM) contained in TAN 15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 3 Rivers. However, the building to be converted is located outside both areas. Advice on the incorporation of flood proof measures is provided. In addition, advice on European Protected Species and Foul Drainage is provided.

Woodland Trust have responded. They state, "*The application site is adjacent to an area of woodland designated as Ancient Semi Natural Woodland on the Ancient Woodland Inventory.*"

We have reviewed the submitted documents and although we have no comment to make with regards to the change of use, we note that the application form refers to installation of a package treatment plant.

We would appreciate confirmation of the location of any new drainage provision or other services infrastructure associated with the development, together with details of how it will be ensured that there are no adverse impacts on the adjacent woodland as a result of services installation".

REPRESENTATIONS

The neighbouring properties were consulted on 19 January 2022. A site notice was also displayed on 26 January 2022. No comments 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 Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP9 – Minerals
POLICY SP10 – Built and Natural Environment
POLICY SP11 – Tourism and Leisure

Managing Growth Policies:

POLICY MG1 - Housing Supply in the Vale of Glamorgan
POLICY MG17 – Special Landscape Areas

POLICY MG19 - Sites and Species of European Importance
POLICY MG21 - Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species
POLICY MG22 – Development in Minerals Safeguarding Areas
POLICY MG29 – Tourism and Leisure Facilities

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD11 - Conversion and Renovation of Rural Buildings
POLICY MD13 - Tourism and Leisure
POLICY MD17 - Rural Enterprise

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 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 8 – Flooding

- Focus on nature-based schemes and enhancing existing defences to improve protection to developed areas.
- Maximise opportunities for social, economic and environmental benefits when investing in flood risk management infrastructure.

Policy 9 – Resilient Ecological Networks and Green Infrastructure

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

Planning Policy Wales:

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

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)

The following sections are relevant:

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

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

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate.

3.13 Existing infrastructure must be utilised and maximised, wherever possible. Where new infrastructure is necessary to mitigate transport impacts of a development and to maximise accessibility by sustainable non-car modes, it should be integrated within the development layout and beyond the boundary, as appropriate. This could include works to connect cycle routes within a site to a wider strategic cycling network or provision of bus priority measures on highway corridors serving a new development.

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

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

3.38 The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources. The need to conserve these attributes should be balanced against the economic, social and recreational needs of local communities and visitors.

3.39 For most rural areas the opportunities for reducing car use and increasing walking, cycling and use of public transport are more limited than in urban areas. In rural areas most new development should be located in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Development in these areas should embrace the national sustainable placemaking outcomes and, where possible, offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys.

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 (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 following sections are relevant:

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.

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 6 – Planning for Sustainable Rural Communities (2010)

The following sections are of particular relevance:

2.2.3 Development not intended to cater primarily for local needs should continue to be located in market towns, local service centres or clusters of smaller settlements where a sustainable functional linkage can be demonstrated and which are accessible by public transport.

3.2.1 When assessing planning applications for the re-use or adaptation of a rural building, the primary consideration should be whether the nature and extent of the new use proposed for the building is acceptable in planning terms. It should not normally be necessary to consider whether a building is no longer needed for its present agricultural or other purposes (although in the case of a tenanted agricultural building, the value in planning terms of the existing use should be taken into consideration). In circumstances where planning authorities have reasonable cause to believe that an applicant has attempted to abuse the system by constructing a new farm building with the benefit of permitted development rights, with the intention of early conversion to another use, it will be appropriate to investigate the history of the building to establish whether it was ever used for the purpose for which it was claimed to have been built.

3.2.3 Conversion proposals should respect the landscape and local building styles and materials. If a planning application is submitted for the re-use of a building which the planning authority considers has a significant adverse effect on the landscape in terms of visual amenity, it may be appropriate in connection with any proposed structural changes to impose conditions to secure an improvement in the external appearance of the building.

3.2.4 Planning authorities should consider setting out in development plans their approach to proposals for the re-use of complexes of buildings with a large aggregate floor area, and of individual buildings which are especially large. The economic and social needs of the area and environmental considerations may be particularly relevant to such proposals.

3.6.1 Whilst residential conversions have a minimal impact on the rural economy, conversions for holiday use can contribute more and may reduce pressure to use other houses in the area for holiday use.

- Technical Advice Note 12 – Design (2016)

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

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 19 – Telecommunications (2002)
- 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). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Biodiversity and Development (2018)
- Conversion and Renovation of Rural Buildings (2018)

9.1.1. The following guidance generally applies to the conversion of traditional stone built buildings where traditionally materials and building techniques will need to be utilised; whilst for modern buildings it may be more appropriate use modern materials.

Nevertheless, when converting any rural building to an alternative use the goal should be to ensure that the conversion is sympathetic to the fabric of the existing building(s) and preserves or enhances the building and surroundings.

9.1.2. The main principle to adopt when designing a conversion scheme is that the building and surroundings should still appear to be used for its original purpose, i.e. an agricultural building rather than a dwelling.

9.3.1. If a building merits conversion then it must be of a scale which is capable of conversion to a new use in its own right. Accordingly, proposals that rely on substantial new-build elements in order to make them work will not be permitted.

9.3.2. Where justified, minor additions may be acceptable where this is designed with sensitivity for the existing building and does not conflict with other planning requirements. Extensions should enhance the character and appearance of the building and, where possible, should make a positive contribution to the wider environs. Favourable consideration will be given to glazed lightweight extensions which retain the distinction between 'old' and 'new'

- Design in the Landscape
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Residential and Householder Development (2018)

11.4. Key Principles

i. The access to a property should be safe. New development should not result in a detriment to the existing access arrangements or to highway safety.

- Sustainable Development - A Developer's Guide
- Tourism and Leisure Development (2019)

- Trees, Woodlands, Hedgerows and Development (2018)

In addition, the following background evidence to the Local Development Plan is considered relevant to the consideration of this application insofar as it provides a factual analysis and information that is material to the issues addressed in this report:

- Designation of Landscape Character Areas (2013 Update)
- Designation of Special Landscape Areas (2013 Update)
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update)

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

The primary issues to consider are the principle of development, the potential impact upon the character of the site and wider visual amenities, highway safety, the impact on ecology and biodiversity, the potential impact upon the amenity of neighbouring residential properties and flooding.

Principle of development

As identified, the application site is located in the countryside for planning policy purposes. Policy MD1 (Location of New Development) states that *new development on unallocated sites should:*

1. Have no unacceptable impact on the countryside;
2. Reinforce the role and function of the key settlement of Barry, the service centre settlements, primary settlements or minor rural settlements as key providers of commercial, community and healthcare facilities;
3. Where appropriate promote new enterprises, tourism, leisure and community facilities in the Vale of Glamorgan;

4. In the case of residential development, support the delivery of affordable housing in areas of identified need;
5. Have access to or promote the use of sustainable modes of transport;
6. Benefit from existing infrastructure provision or where necessary make provision for new infrastructure without any unacceptable effect on the natural or built environment;
7. Where possible promote sustainable construction and make beneficial use of previously developed land and buildings;
8. Provide a positive context for the management of the water environment by avoiding areas of flood risk in accordance with the sequential approach set out in national policy and safeguard water resources; and
9. Have no unacceptable impact on the best and most versatile agricultural land.

The current proposal is for a dwelling that the applicant's agent has stated is for a holiday let use. Further details of the management of the business have been requested from the applicant and a response stated the proposed unit would be let either through a holiday letting agency or via an online format such as Airbnb, which will be managed by the applicant.

It is noted that tourism uses are generally supported by the LDP (Policy MD13). This allows development where the proposal:

1. Is located within the key settlement, the service centre settlements, primary settlements and minor rural settlements; or
2. Forms part of a rural enterprise or farm diversification scheme; or
3. Involves the conversion of an existing rural building in accordance with Policy MD11; or
4. Involves sustainable low impact tourism and leisure proposals in the countryside...

With regard to the above, the proposal does not accord with criterion 1 as it is not within a settlement or criterion 2, as it does not form part of a rural enterprise or farm diversification scheme. Criteria 3 and 4 are discussed below.

Policy MD11 (Conversion and Renovation of Rural Buildings) states that:

Proposals for the conversion or renovation of existing rural buildings for rural enterprise, tourism, community or residential use will be acceptable where:

1. *Conversion of an existing rural building would not give rise to the need for a replacement building; and*
2. *Reuse can be achieved without substantial reconstruction, extension or alteration that unacceptably affects the appearance and rural character of the building or its setting;*

Proposals for conversions to residential use will only be permitted where it is demonstrated that:

3. *The building has been appropriately marketed for other alternative uses such as farm diversification, business, community, tourism, or recreational uses and it has been demonstrated that such alternative uses are not viable; and*
4. *The location of the building is sustainable in terms of access to local services, public transport and community facilities.*

Paragraph 3.60 of Planning Policy Wales ('Development in the countryside') states that 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'.

In relation to criterion 1 of Policy MD11 (Conversion and Renovation of Rural Buildings), the Planning Statement details that the land was sold off as redundant agricultural land. Therefore, it is unlikely a new building would be required for agricultural purposes. Furthermore, Council records indicate the main part of the site does not include the Best and Most Versatile (BMV) agricultural land.

In relation to criterion 2, the submitted Planning Statement details the building "*was in poor condition when the applicant purchased the site and was in need of repair, including a new roof which has been undertaken.*" It is also identified that the building has been rendered and is "airtight". It is noted that paragraph 6.1 of the Conversion and Renovation of Rural Buildings SPG states, "*In most cases a structural survey will be required to accompany the planning application for conversion of a rural building demonstrating that the building is capable of conversion without major or complete reconstruction... Information submitted should be in the form of a written report with drawings and/or photographs to illustrate the existing condition of the building and the works necessary to carry out the conversion including all necessary remedial works.*"

The applicant was requested to provide evidence that the conversion has been achieved without substantial, reconstruction, extension or alteration. No structural survey has been submitted of the original building and in an email received from the applicant's agent it is stated, "*the reuse of the building can be achieved without substantial reconstruction as the shape and form of the building is retained, there is no extension*". Whilst this may be the case, no substantial evidence has been submitted to clarify what the previous condition of the building was and the extent of re-construction, extension or alteration required.

The photographs below show the condition and appearance of the building in 2010. While visible from the road, it has a very low key visual impact and is well assimilated into the site.



Google Street View April 2010



Subsequently, the applicant has supplied the following photos, which indicate the extent of the works carried out.



Internal of the building prior to roof being removed, showing roof in a poor and partly collapsed condition (photo supplied by applicant).



Photography following removal of roof and part building up of elevation. (photo supplied by applicant).



Internal/External photograph showing large areas of elevation built up with new block work, new roof and windows. (photo supplied by applicant)

From the photos submitted by the applicant, it is clear that that the former brick building has been significantly altered to its front elevation, with the partial blocking up of the wide central opening, to provide a new door and window, in addition to separate works to block up the doorway and replace with a new window. In addition, the rear elevation also appears to be rebuilt in blockwork with French Doors and a window. Moreover, the building has also been fully rendered and painted.

Furthermore, brown UPVC domestic style doors and casement windows (with leaded glazing) have been installed (see photos below), to the front elevation and white UPVC French Doors and a window on the rear elevation. In addition, a new roof has been built which has been finished in tile effect roofing sheets, in place of the former semi-collapsed roof with profiled metal sheets.

Whilst there are other buildings on the site which themselves have also undergone alterations without the benefit of planning permission (which is subject to a separate enforcement investigation), buildings of an inappropriate character/appearance would have an urbanising effect of the site and that would have a detrimental impact on the appearance and rural character of the area.





In relation to criterion 3 of MD11, paragraph 7.63 in the supporting text states in relation to existing buildings that, *“there are also a number of modern rural buildings which are often prefabricated and utilitarian in style. For both traditional and modern rural buildings, the Council will favour reuses which can make a positive contribution to the rural economy, such as rural enterprises, farm and craft shops, small scale commercial and light industrial enterprises, or tourism and recreation facilities. In order to ensure that conversions make a positive contribution to the rural economy”*.

As stated above tourism can have a positive impact on the rural economy. However, the building has not been marketed for other uses and no evidence has been submitted to suggest the proposal would have a positive contribution to the rural economy that would

outweigh any harm arising from the physical changes of this nature. Furthermore, the proposal is for a private individual and as detailed above, does not support a rural enterprise or farm diversification enterprise. As such the evidence provided does not support the retention of the building for a holiday let use.

In relation to criterion 4 of MD11 the Conversion and Renovation of Rural Buildings SPG Paragraph 8.2.2 states that, "*Proposals for the conversion of isolated buildings for residential purposes are generally unacceptable as they encourage private car use contrary to the principles of sustainability embodied in national policy and the LDP. There may be some limited exceptions to this where the proposal: forms part of a justified rural enterprise development; provides holiday accommodation in an area of identified need; addresses an identified local affordable housing need; or where the conversion relates to a listed building at risk which cannot be viably preserved other than through residential re-use*".

Whilst the application is for holiday accommodation, it would be a single unit and not part of a rural enterprise or farm diversification scheme. The application site is located in the countryside approximately 2km by road from the nearest settlement (Cowbridge). The nearest bus stop is situated towards St Marys Church to the south and approximately 650m from the site. However, if the authority were satisfied that the proposal was for a genuine tourism use, benefiting the wider rural economy, it is often accepted that such sites are in more remote locations, not particularly well served by public transport. In those cases, their lack of proximity to good public transport/ facilities is off set against the benefits of such a proposal to the rural economy, where the proposed works to accommodate the new use of the rural building are also considered acceptable. Whilst there is some concern in respect of the nature of the occupancy of the building, the agent has stated that it will be used as a holiday let business. On this basis aside, from the objections raised above, no objections are raised on the grounds of sustainability (in respect of a rural holiday let).

Returning to Policy MD13 (Tourism and Leisure) and from the above, it is considered the proposal, given the extensive works of rebuild and alteration, would not accord with criterion 3 due to its non-compliance with Policy MD11 as assessed above. In terms of criterion 4 of MD13, the proposal would not be considered low impact, noting its visibility, (as considered below) as it would be a permanent building and therefore the impacts would not be seasonal.

Taking the above into consideration, whilst there is general support for tourism uses within the Vale of Glamorgan, it has not been demonstrated that the building has been converted without substantial re-construction, extension or alteration and that the holiday let use would justify its retention.

Visual Impact

Policy MD2 of the Local Development Plan requires that new development is 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 responds appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density.

Policy DG7 (Roads – Rural) in the Council's Supplementary Planning Guidance - Design in the Landscape identifies its aims as:

- To maintain rural character of rural roads as an integral element of the landscape.
- To conserve hedgerows, hedge banks and historical features on the roadside.
- To minimise the impact of development.

Policy MG17 of the LDP allows for development proposals in Special Landscape Areas where it can be demonstrated that they would cause no unacceptable harm to the important landscape character of the area. The character of the Lower Thaw Valley area is identified in the document Designation of Landscape Character Areas (2013 Update) as, “a sinuous, steep sided and enclosed lowland valley. A mosaic of fields, with gappy hedges, fences and a network of drainage ditches”. In the management issues section, it states improving hedgerows and access are of concern.

As noted above, policy MD11 states that reuse needs to be achieved without substantial reconstruction, extension or alteration that unacceptably affects the appearance and rural character of the building or its setting. This advice is echoed in the SPG.

The application site is one of a small cluster of buildings within an open countryside and close to a rural road to the south of Cowbridge. The road is narrow with relatively tall hedges either side which forms a strong rural character along the road, albeit it is noted that part of the hedge at the application site has been recently removed. As detailed above, the building has also been relatively recently re-constructed/re-roofed and its exterior as shown in the photos in the report is as proposed.

Therefore the main issues, relevant to this issue, are the visual impact of the resulting building and the impact of the loss of hedgerows and trees on the boundary.

The applicant has stated the, “existing building has been repaired to include a new tile effect corrugated roof and rendering to the walls to make the building watertight. These materials are frequently used in the area...the shape and form of the building is retained, there is no extension proposed and the only alteration as shown on the Proposed Drawing (reference 21-1170-11) is for additional doors within the left end elevation in order to allow adequate light. As such our view is that the proposals do not unacceptably affect the appearance and rural character of the building or its setting”



It is evident of the form of structure that existed before the re-construction/re-build of the present building (see previous photos above). However, full details of this structure and the extent of re-construction have not been fully provided. In addition, it is noted that it is sited amongst other larger buildings. The building subject to this application and the others within the site, are not of any significant rural architectural or historical character, to add weight to their retention. Moreover, if they were not to be retained, this would not have any detrimental impact on the rural character of the area.

The Conversion and Renovation of Rural Buildings SPG advises in Section 9 that the conversion should be sympathetic to the fabric of the existing building(s) and preserve or enhance the building and surroundings, and that the main principle is that the building and surroundings should still appear to be used for its original purpose.

As a whole, the changes to the elevations, by way of the loss of original openings and provision of new openings of a domestic scale, the insertion of domestic windows and doors, replacement tile effect metal roof and the wholesale rendering of the brick building, has resulted in a significant change to the character of the rural building that existed prior to these works being carried out, to a point where the as built structure appears externally to be wholly new build.

The materials and finishes used are not representative of those found with converted rural buildings that the Council would approve and are at odds with the rural character of former brick building. It is noted that a similar works have also been undertaken in the adjacent building, which appears to have been a stone barn, with a large area of glazing and 'French doors' (shown in photo above).

The resultant building is markedly different in appearance and character to the former building, and the former agricultural appearance of the building has been wholly lost. Rather, as a consequence of the materials and pattern of window/door openings, it overtly has the appearance of a domestic dwelling/bungalow. These new works give this building a much more urban and domesticated character and appearance, which is far removed from what it was originally, as a simple rural barn. The resultant building appears alien in this overtly rural context and it is harmful to the character of the area.

The works are therefore considered to be contrary to policies MD1 (criteria 1 and 2), MD2 (criterion 3), MD 11 (criterion 2) and MD13 (criteria 3 and 4) of the LDP, the advice within the Council's Conversion and Renovation of Rural Buildings SPG, and paragraphs 2.6 and 6.16 of TAN 12.

In relation to the proposed visibility splay at the access, the plans indicate approximately 40m of the hedge to the north of the access would be cut back and 50m of hedgerow/vegetation would be removed. The loss of hedging in part of the visibility splay and potential loss of further hedging and trees would result in the loss of the rural character of the road that is in the main, tightly bordered by hedges and some trees. It has also not been demonstrated what landscaping would be retained and whether any replacement landscaping is to be provided that would compensate for the loss.

Given the above, it is considered the design of the building and related loss of hedgerow would have a detrimental impact on the character of the site, rural street scene and area as a whole and is therefore contrary to Policies MD1, MD2 and MG17 of the Local Development Plan. It is therefore recommended that planning permission is refused and enforcement action be taken to reinstating the building to as near as possible to its

previous condition, and further consideration is given to whether action could be pursued to restore the hedges removed under The Hedgerow Regulations 1997.

Parking and Highway safety

Policy MD2 of the Local Development Plan requires that new development should have no unacceptable impact on highway safety. Furthermore paragraph 11.4 (key principles) of the Residential and Householder Development SPG says:

The access to a property should be safe. New development should not result in a detriment to the existing access arrangements or to highway safety;

It is noted there is sufficient space within the site for parking and turning for the proposed holiday-let use.

It is noted that the access is existing and that there are existing buildings on the site which are indicated as being former agricultural buildings. The proposal is likely to intensify use of the access from people using and servicing the holiday let, in addition to any movement for other uses at the site.

The Council's Highways Authority state, "*There is a need to ensure appropriate visibility is available in accordance with the standards at the proposed access and within the visibility envelopes, no obstructions e.g. hedge, fencing etc. shall be greater than 600 mm in height above the carriageway channel edge and any planting will be located at the rear of the splay*". Llanfair Community Council have raised concerns particularly with the visibility to the south of the access where there is a bend in the road.

The applicant has provided a speed assessment and taking this into account, the Highways Authority have provided comments requiring a 2.4 x 58m visibility splay in both directions. A plan detailing the required visibility splay has been submitted by the applicant. The Council's Highways Authority have now clarified the splay to the south of the access is within Highways land, albeit not within the adopted highway. They do not object to the proposal subject to the provision of the visibility splay and that gates should be set back in to the site which can be required by suitably worded conditions.

In summing up, the access is existing and already used to enter and exit the site. The Council's Highways Authority require, for the proposal to be acceptable in highway safety terms, that it is improved by providing an acceptable visibility splay which the applicant has demonstrated can be done. Whilst this is the case, the provision of an acceptable visibility splay, would however raise concerns in that it would result in the loss of hedgerow, which would amount to the loss of some 50m of hedgerow/vegetation to the south and the cutting back of 40m of hedgerow to the north, impacting on the rural character of the area.

Biodiversity

Section 6.4.5 of PPW states, *development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.*

Policy MD9 is relevant in relation to ecology, it requires new development proposals to conserve and where appropriate enhance biodiversity interests. Criterion no. 10 of Policy MD2 is also relevant and requires that development proposals *incorporate sensitive*

landscaping, including the retention and enhancement where appropriate of existing landscape features and biodiversity interests. The Council's Biodiversity and Development SPG also requires new development to provide ecological enhancements to promote biodiversity. It also requires preliminary ecological appraisals for sites that propose one or more new dwellings.

It is noted that part of the Coed y Grabla Site of Importance for Nature Conservation (SINC) is situated immediately to the west of the building and within the site area. The building has been re-built and re-roofed recently and no further external alterations are proposed. It is unclear what the former ecological and biodiversity value of the building was. From a site inspection, it is unlikely that the building currently provides significant ecological value or habitat for protected species. It is also noted however some clearance of vegetation within the SINC has taken place to the rear of the building.

The required 2.4 X 58m visibility splay, particularly to the south, would require a significant amount of hedge/vegetation/tree removal of some 50m. To the north the plans indicate 40m of hedgerow would require cutting back. The photos below show works that have already taken place to remove a section of the hedge (to the north of the access), which has reduced its ecological and amenity value.



The photos below (July 2022) show the area to the south of the access which would require removal of some hedgerow and trees. The arrows indicate the approximate visibility splay, however, the full extent of what trees and vegetation would require removing has not been provided.



The Woodland Trust have commented that the site is adjacent an area of woodland designated as Ancient Semi Natural Woodland on the Ancient Woodland Inventory and have questioned the impact from an installation of a package treatment plant. Whilst the concerns are noted, the site is relatively large and these details could be obtained by condition if permission is to be granted to ensure there is no detrimental impact on the woodland.

An ecological assessment has been requested, however no ecological report has been submitted from the applicant with regard to these impacts of the proposal.

In summing up, in the absence of a full appraisal of what those ecological and biodiversity interests would be at this site, noting the works that has taken place to date and whether the impact of the proposal on these are acceptable and/or whether any mitigation would be required in addition to providing a net biodiversity benefit, it is considered that these proposals are contrary to the requirements of Policy MD9, criterion 10 of Policy MD2, the Biodiversity and Development SPG and Planning Policy Wales.

Impact on neighbours

The building is a significant distance from the nearest dwelling which is Howe Mill Farm approximately 150m to the south. The proposal would therefore not have a significant detrimental impact on their amenity.

Flooding

Natural Resources Wales (NRW) identifies the site includes a small area of Zone C2 of the Development Advice Map (DAM) contained in TAN 15 and the Flood Map for Planning (FMfP), whilst not in use for development management, nevertheless also identifies the application site to be at risk of flooding and falls into Flood Zone 3 Rivers.

The applicant has been informed and advised they could reduce the red line area to just the curtilage of the building and access, to remove the site from the C2 Zone, however no amended site area has been submitted. Notwithstanding this, the building to be converted is located outside both flood areas and the area in question is along the eastern boundary and would not affect access. NRW do not object subject to advice on the incorporation of flood proof measures being provided. Furthermore, if the application were to be approved, a condition requiring the curtilage of the holiday let to be defined, including removal of any area of flood zone, is considered necessary. As such in these terms the application would be acceptable.

Drainage and Water Supply

Shared Regulatory Services (Environment) requested details of water supply. The applicant has detailed that there is an existing private water supply. No further comments have been received from SRS (Environment) at the time of writing this report. With regards to foul drainage a package treatment plant is proposed. NRW have commented that this would require a permit from themselves.

Impact on minerals safeguarding area

The site falls within the LDP's designated zone for minerals safeguarding due to the presence of limestone, sandstone and gravel deposits. The area is included within category one and two for limestone and therefore, policy MG22 is of relevance. Policy MG22 restricts permanent development within these designated areas as this could sterilise or hinder future extraction of limestone. However, given the scale of the proposals, it is considered that the proposals would not have an unacceptable impact on the minerals identified in the area.

Enforcement Action

In view of the issues identified in the paragraphs above, it is considered expedient to pursue action in the form of a Section 172 Enforcement Notice, relating to the operational development which has been undertaken at the site. Therefore, the service of an enforcement notice is recommended to remedy the breach of planning control at the site by removing the building and that further consideration is given to whether further action could be pursued to restore the hedges removed under The Hedgerow Regulations 1997.

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.

RECOMMENDATION

REFUSE AND AUTHORISE ENFORCEMENT ACTION

- (1) That planning permission for the works as described in the application be refused.

- (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:
- (i) Reinstatement of the building to its original condition including undertaking the following:
 - Remove the render applied to the exterior of the building.
 - Remove the windows and doors on the front and rear elevations.
 - Remove the additional areas of new external blockwork in elevations.
 - Remove the profiled tiled metal sheeting roof.
 - (ii) Remove all of the waste materials from the land resulting from the taking of step (i) above.
- (3) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

REASONS FOR REFUSAL

1. The building has been subject to substantial re-construction and alteration and the works that have been undertaken, by reason of their design, materials, appearance and form, are not sympathetic to the site's rural context and have unacceptably affected the agrarian appearance and rural character of the building. The development, therefore, conflicts with Policies SP1 - Delivering the Strategy, MD1 - Location of New Development, MD11 – Conversion and Renovation of Rural Buildings and MD13 - Tourism and Leisure of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Conversion and Renovation of Rural Buildings (2018) Supplementary Planning Guidance, as well as national policy identified within TAN12- Design.
2. In order to provide a safe access into the site, the development would require the removal of a substantial length of hedgerow adjacent to a rural highway. This would result in a visually harmful form of development, which is damaging to the appearance and character of the site and the wider rural street scene. Therefore, the proposal is considered unacceptable and contrary to the requirements of Policies SP1, MD1 and MD2 of the Local Development Plan, as well as national policy identified within TAN 12 – Design.
3. In the absence of a full ecological appraisal, the proposed development fails to fully appraise the ecological and biodiversity interests at this site and demonstrate whether that there would not be ecological harm. Therefore, the proposed development fails to incorporate, conserve or enhance biodiversity interests, as those biodiversity interests have not been fully quantified in the first instance. As a result, the development is contrary to the requirements of Policy MD9, criterion 10 of Policy MD2 and the Biodiversity and Development SPG as well as national policy contained within Planning Policy Wales (Edition 11, 2021) and TAN 5 – Nature Conservation and Planning.

REASONS FOR ISSUING 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. The works that have been undertaken to date have resulted in the substantial alteration of the former rural brick building and are not sympathetic to the fabric of the existing building and unacceptably affects the appearance and rural character of the building and its wider rural setting. The development would, therefore, conflict with Policies SP1 - Delivering the Strategy, MD1 - Location of New Development, MD11 – Conversion and Renovation of Rural Buildings and MD13 - Tourism and Leisure of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Conversion and Renovation of Rural Buildings (2018) Supplementary Planning Guidance, as well as national policy identified within Planning Policy Wales (Edition 11, 2021), TAN12- Design and TAN 24 – The Historic Environment.
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

REFUSE (W.R.)

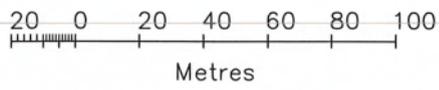
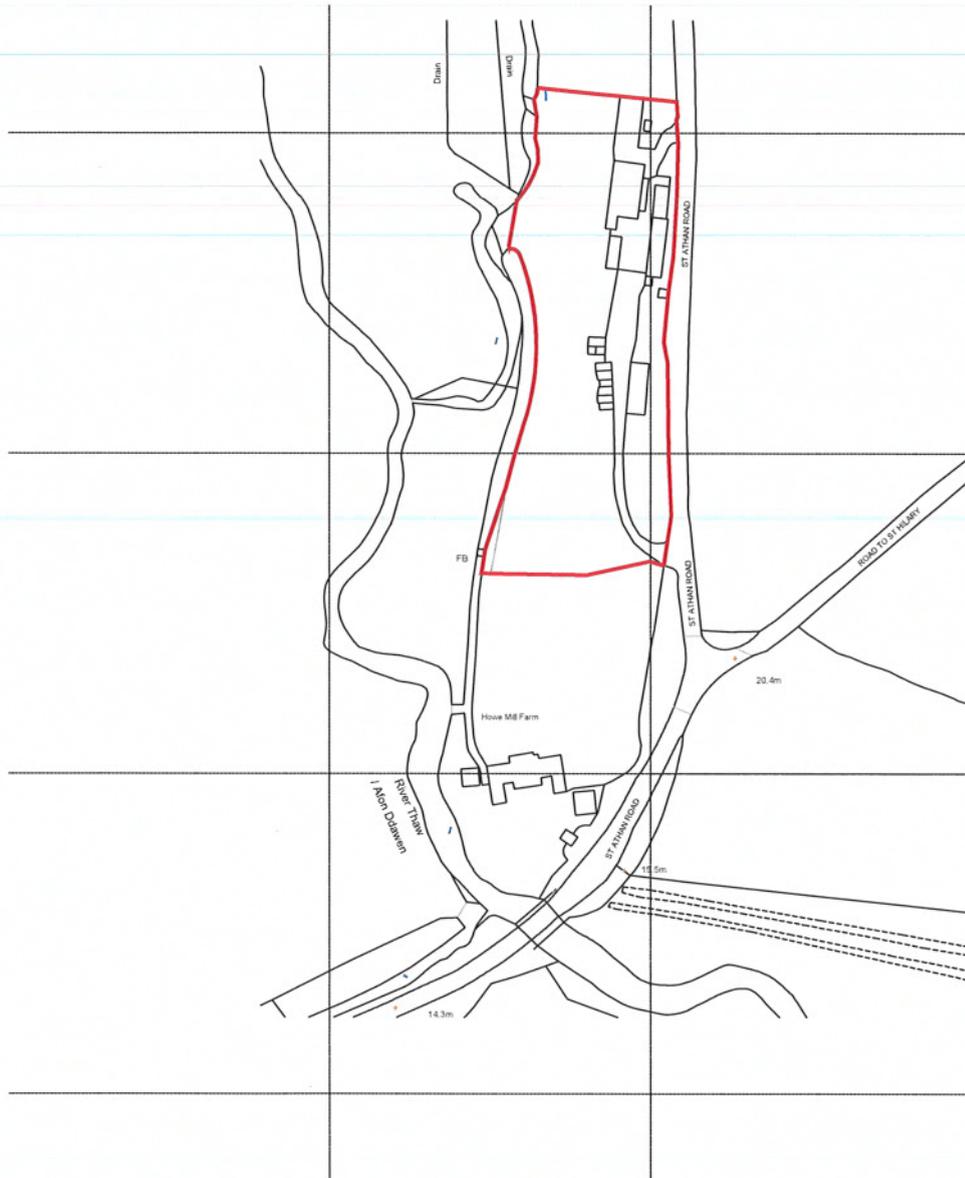
1. The building has been subject to substantial re-construction and alteration and the works that have been undertaken, by reason of their design, materials, appearance and form, are not sympathetic to the site's rural context and have unacceptably affects the agrarian appearance and rural character of the building. The development, therefore, conflicts with Policies SP1 - Delivering the Strategy, MD1 - Location of New Development, MD11 – Conversion and Renovation of Rural Buildings and MD13 - Tourism and Leisure of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Conversion and Renovation of Rural Buildings (2018) Supplementary Planning Guidance, as well as national policy identified within TAN12- Design.
2. In order to provide a safe access into the site, the development would require the removal of a substantial length of hedgerow adjacent to a rural highway. This would result in a visually harmful form of development, which is damaging to the appearance and character of the site and the wider rural street scene. Therefore, the proposal is considered unacceptable and contrary to the requirements of Policies SP1, MD1 and MD2 of the Local Development Plan, as well as national policy identified within TAN 12 – Design.
3. In the absence of a full ecological appraisal, the proposed development fails to fully appraise the ecological and biodiversity interests at this site and demonstrate whether that there would not be ecological harm. Therefore, the proposed development fails to incorporate, conserve or enhance biodiversity interests, as those biodiversity interests have not been fully quantified in the first instance. As a result, the development is contrary to the requirements of Policy MD9, criterion 10 of Policy MD2 and the Biodiversity and Development SPG as well as national policy contained within Planning Policy Wales (Edition 11, 2021) and TAN 5 – Nature Conservation and Planning.

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.



Mapping contents (c) Crown copyright and database rights 2021 Ordnance Survey 100035207

Application Boundary Area 6954m² or 0.69 Hectares

Notes:				Client: Eugene McKay	Scale: 1:1250 @ A3	 Unit D - Lunsdale, Upton Magna Business Park, Strewsbury S14 4TT t: 01743 705364 w: www.greenplanning.co.uk f: 01743 709655 e: applications@gpstudio.co.uk
				Project title: Howe Mill Farm, St Athan Road, St Mary Church, Cowbridge, Vale of Glamorgan, CF71 7LT	Project: 21_1170	
				Drawing title: Location Plan	Drg. No.: 21_1170_001 CH	
1.	12/10/21	Project title corrected and now showing hectares.	CH	<small>Green Planning Studio Ltd Directors: Matthew Green BA, Ruth Reed BA, Dip Arch, MA, PGCEd New DBAS, PPWSA, Michael Rudd BS (P), MS, LL.M, PgDip Law, FGS Reg. No. OC18736963</small>		
Rev.	Date	Amendments	Author			

2022/00571/FUL Received on 4 May 2022

APPLICANT: Mr Jacob George, 122-124, Plymouth Road, The Waverley Care Centre, Penarth , Vale Of Glamorgan. CF64 5DN

AGENT: Mrs Kruti Gandhi, 58B, Clearwater Way, Lakeside, Cardiff. CF23 6DJ

**The Waverley Care Centre, 122-124, Plymouth Road,
Penarth**

Retain boundary fence and gates as built replacing approved (2021/01186/FUL of 14/12/2021) brick wall with metal fencing due to structural instability

REASON FOR COMMITTEE DETERMINATION

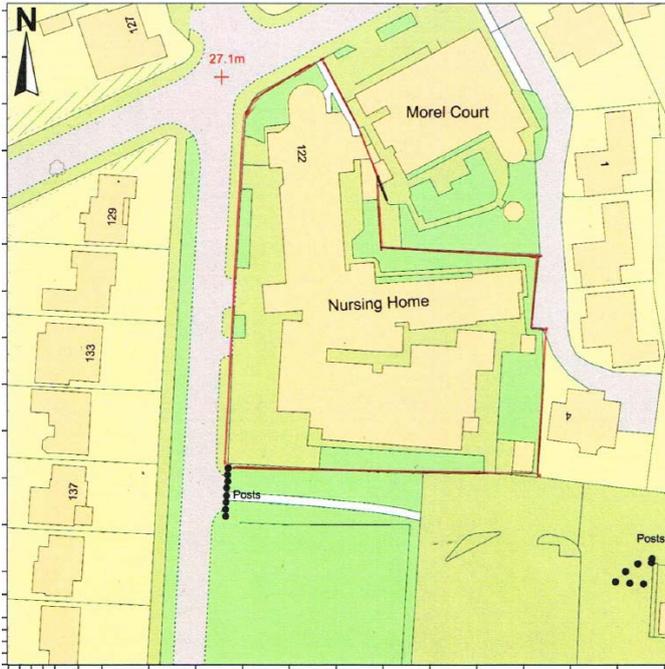
This application is reported to Planning Committee under the Council's approved scheme of delegation at the request of Councillor Ernest to assess the visual impact and the impact on the amenity of neighbours.

EXECUTIVE SUMMARY

This retrospective planning application relates to a boundary fence and gates that have been erected at the Waverley Care Centre, which fronts Plymouth Road, Penarth. A further section has been installed on the southern boundary on to the Council car park off Cliff Parade. The principal issues to consider are the impact of railings on the character and appearance of the application site and street scene, the impact on the amenity of neighbours and the impact on highway safety and parking. The application is recommended for approval.

SITE AND CONTEXT

The application site relates to a nursing home known as the Waverley Care Centre on Plymouth Road, a multi-storey building sited within the Penarth Settlement Boundary as identified by the Vale of Glamorgan adopted Local Development Plan 2011 – 2026. The site adjoins playing fields to the south and another care home and dwellings to the north and east. It lies outside of the Penarth Conservation Area to the North. A site location plan is provided below:

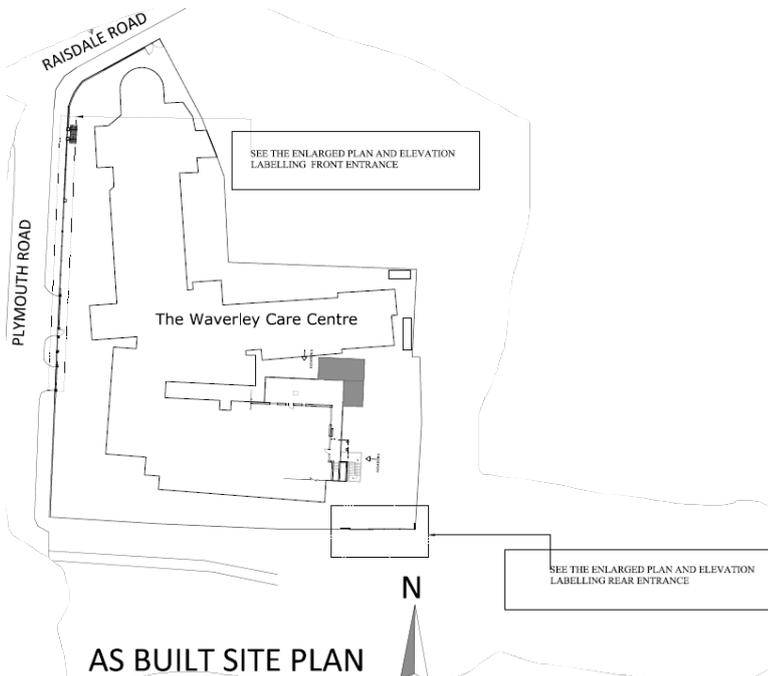


DESCRIPTION OF DEVELOPMENT

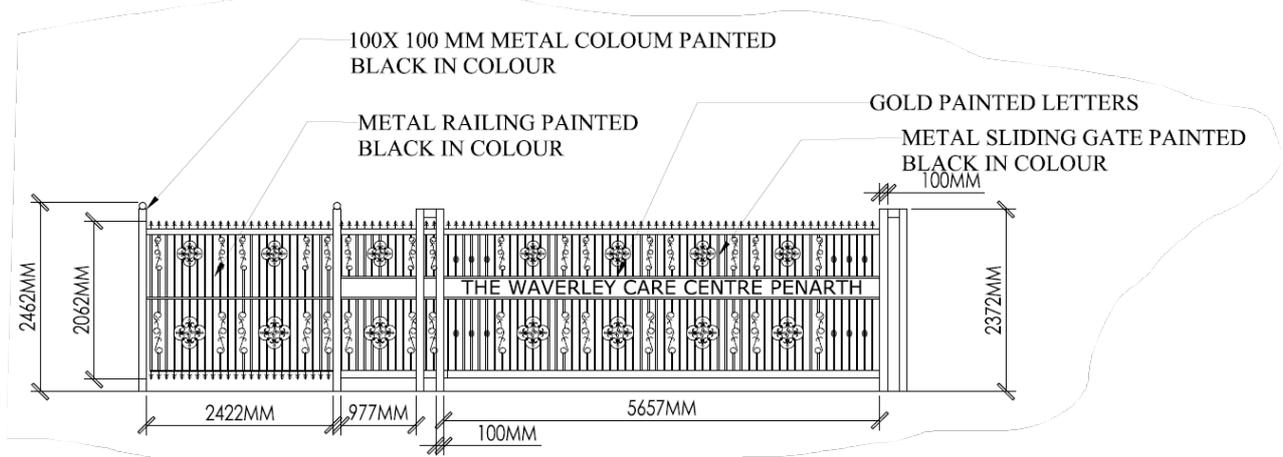
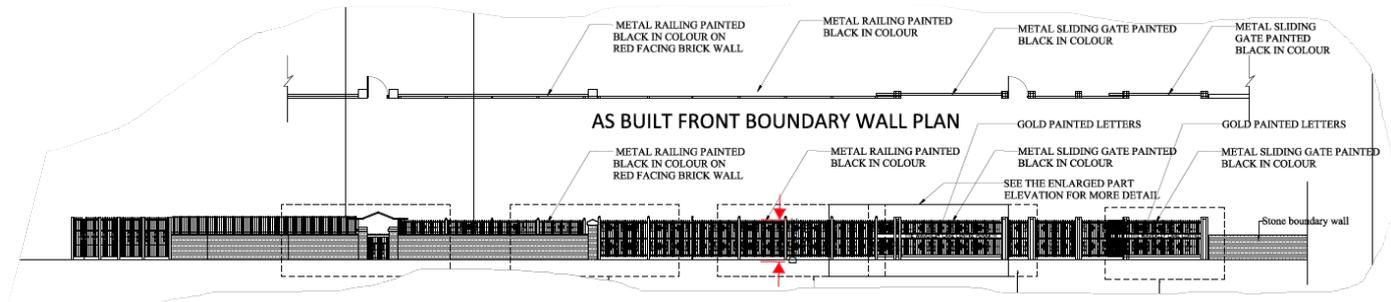
Full planning permission is sought to, “Retain boundary fence and gates as built replacing approved (2021/01186/FUL of 14/12/2021) brick wall with metal fencing due to structural instability”.

The railings to the front of the site, fronting Plymouth Road, span approximately 35m of the boundary. The railings are approximately 2.2m in height and the metal columns are approx. 2.5m in height. The application also includes a section on the southern boundary that spans approximately 12m. This provides vehicle access to and from the car park that is off Cliff Parade.

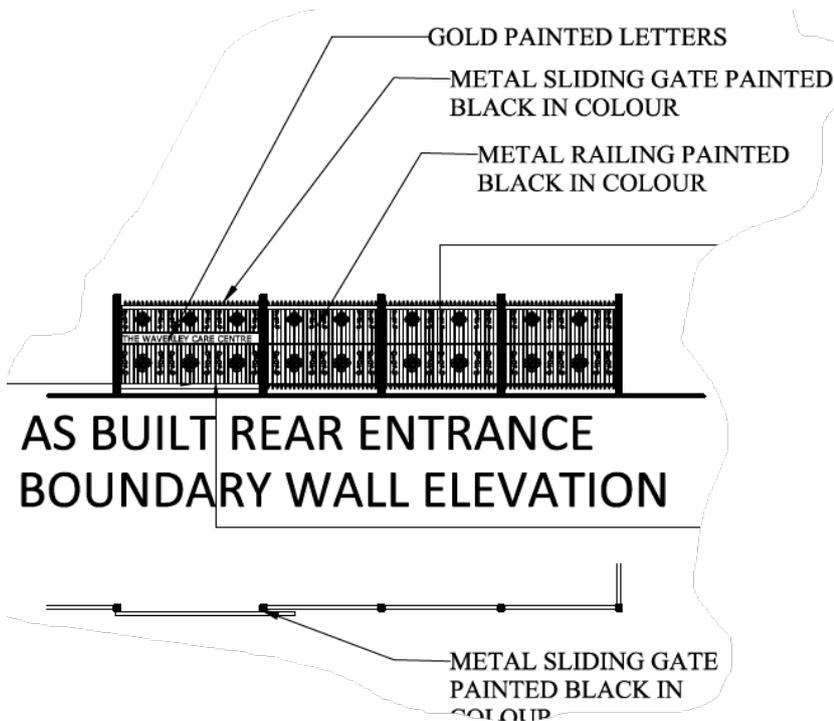
The proposed plans are shown below with photographs of the railings and gates in situ:



The railings and sliding gates the subject of this application, are to the right of the part brick/part railing wall and to the left of the stone boundary wall.



Plan showing railings on the southern boundary with access from the Council's car park.



Gates and railings fronting Plymouth Road



Gates and railings on southern boundary



PLANNING HISTORY

1975/00008/FUL, Address: International House, Penarth, Proposal: Additional Food Preparation Room, Decision: Approved.

1977/01574/FUL, Address: International House, Plymouth Road, Penarth, Proposal: Prefabricated games room, surrounding land to remain as garden, Decision: Approved.

1981/00785/FUL, Address: The Waverley Centre, 124, Plymouth Road, Penarth, Proposal: Proposed erection of additional bed and ancillary facilities for existing Nursing home, Decision: Approved.

1981/01969/FUL, Address: The Waverley Centre, 124, Plymouth Road, Penarth, Proposal: Phased single storey development to extend and improve existing nursing facilities, Decision: Approved.

1982/00090/FUL, Address: Morel Court, Raisdale Road, Penarth, Proposal: Erection of single storey extension comprising garage and store building, for use in conjunction with existing 'Home for the Aged', Decision: Approved.

1983/00747/FUL, Address: The Waverley Centre, 124, Plymouth Road, Penarth, Proposal: First floor extension to existing nursing facilities, ground floor extensions to provide additional ancillary service accommodation, Decision: Refused.

1983/00980/FUL, Address: The Waverley Centre, 124, Plymouth Road, Penarth, Proposal: Ground floor extensions to provide additional ancillary/ service accommodation and reception area, Decision: Approved.

1985/00698/FUL, Address: International House, Plymouth Road, Penarth, Proposal: Change of use from students hostel to nursing home to be operated as an extension to Plymouth Nursing Home, Decision: Approved.

1985/00822/FUL, Address: International House, Plymouth Road, Penarth, Proposal: Erection of new external lift shaft, entrance foyer and fire escape staircases, Decision: Approved.

1987/01137/FUL, Address: Morel Court, Raisdale Road, Penarth, Proposal: Erection of hobbies room extension at first floor level for use in conjunction with the present aged persons home, Decision: Approved.

1988/00217/FUL, Address: Morel Court, Raisdale Road, Penarth, Proposal: Alterations and extensions at 3rd floor level in converting existing bedroom to bathroom/bedroom and new kitchen for use in conjunction with present aged persons home, Decision: Approved.

1988/00892/FUL, Address: Land between Plymouth Nursing Home and Seaviews Nursing Home., Proposal: Construction of link corridor/reception and ancillary offices, Decision: Approved.

1989/00457/FUL, Address: Seaviews Nursing Home, Plymouth Road, Penarth, Proposal: Construction of 20 bedrooms as infill over 4 floors, Decision: Approved.

1990/00252/FUL, Address: Plymouth/Seaviews Nursing Home, Plymouth Road, Penarth, Proposal: Replacement day centre, day care nursing, Decision: Approved.

1991/00337/FUL, Address: Morel Court, Raisdale Road, Penarth, Proposal: Hobbies room for Home for the Aged, Decision: Approved.

1995/00835/FUL, Address: The Waverley Centre, 124, Plymouth Road, Penarth, Proposal: First floor extension to the large ward block with alterations to the ward block for smaller bedrooms, Decision: Approved.

1997/01039/FUL, Address: The Waverley Centre, 124, Plymouth Road, Penarth, Proposal: Raising the ridge height by 750mm above the height approved by planning reference 95/00835/FUL, Decision: Approved.

1998/00734/PN, Address: The Waverley Centre, 124, Plymouth Road, Penarth, Proposal: Rooftop installation, Decision: Approved.

1999/01384/FUL, Address: Morel Court, Raisdale Road, Penarth, Proposal: Conservatory, Decision: Approved.

2000/00011/PNT, Address: The Waverley Centre, 124, Plymouth Road, Penarth, Proposal: Installation of telecommunications equipment, Decision: Approved.

2000/01232/FUL, Address: The Waverley Centre, 124, Plymouth Road, Penarth, Proposal: Extension of existing plant room on roof to accommodate telecommunications equipment and replacement of three antennae with six antennae, Decision: Approved.

2002/00084/FUL, Address: The Waverley Centre, 124, Plymouth Road, Penarth, Proposal: Telecommunications Installation, Decision: Withdrawn.

2002/00645/FUL, Address: The Waverley Centre, 124, Plymouth Road, Penarth, Proposal: Telecommunications installation comprising of 3 no. cross polar pole mounted antenna, 4 no. transmission dishes with ancillary equipment to be housed in Portasilo large cabin, Decision: Withdrawn.

2004/00007/FUL, Address: The Waverley Centre, 124, Plymouth Road, Penarth, Proposal: Single storey infill extension for dry food store, Decision: Approved.

2004/01774/FUL, Address: The Waverley Centre, 124, Plymouth Road, Penarth, Proposal: Single storey office extension to front of building. Infill toilet to central area, Decision: Approved.

2009/00669/FUL, Address: Waverley Care Centre, 122-124, Plymouth Road, Penarth, Proposal: Construction of a new conservatory area to the rear of the Waverley Care Centre, Decision: Approved.

2010/01008/FUL, Address: 122, Plymouth Road, Penarth, Proposal: Two extensions to the existing care home; one to the Seaviews wing and another to the Glan-y-Mor wing, Decision: Approved.

2014/00466/FUL, Address: The Waverley Care Centre, 122, Plymouth Road, Penarth, Proposal: Single storey extension to Cliffhaven at the northern boundary of the Care Centre, Decision: Approved.

2015/00189/1/CD, Address: The Waverley Care Centre, 122, Plymouth Road, Penarth, Proposal: Discharge of Condition 3 of planning permission 2015/00189/FUL - Materials, Decision: Approved.

2015/00189/FUL, Address: 122, Plymouth Road, Penarth, Proposal: Demolition of the single storey Reception roof and the erection of a new first floor, including associated enabling works, Decision: Approved.

2016/01124/FUL, Address: The Waverley Care Centre, 122-124, Plymouth Road, Penarth, Proposal: Amendment to Full Planning Permission scheme 201500189FUL by incorporating an office space beneath the first floor overhang of the approved scheme, Decision: Withdrawn.

2016/01144/FUL, Address: The Waverley Care Centre, 122-124 Plymouth Road, Penarth, Proposal: Variation of condition 2 of 2015/00189/FUL to allow for the addition of some extra accommodation to the ground floor footprint, Decision: Approved.

2020/01385/PNT, Address: Waverley Centre, Plymouth Road, Penarth, Proposal: Proposed 3 antennas with upgrade/refresh of equipment within existing equipment room together with ancillary equipment, Decision: Withdrawn.

2021/00411/FUL, Address: The Waverley Care Centre, 122-124, Plymouth Road, Penarth, Proposal: Proposed canopy to first floor roof terrace and rebuild part front unstable boundary wall with new gates, Decision: Granted, Decision Date: 2021-05-21;

2021/01186/FUL, Address: 122-124, The Waverley Care Centre, Plymouth Road, Penarth, Proposal: Retain smoking shelters erected and work to front boundary wall and structures as built, Decision: Approved.

2022/00072/FUL, Address: 122-124 The Waverley Care Centre, Plymouth Road, Penarth, Proposal: Two storey side extension to house 19 bed high dependency dementia intensive care unit, Decision: Pending.

2022/00608/FUL, Address: 122-124 The Waverley Care Centre, Plymouth Road, Penarth, Proposal: Erection of new signage and logo above the front entrance, Decision: Pending.

2022/00609/ADV, Address: 122-124 The Waverley Care Centre, Plymouth Road, Penarth, Proposal: Erection of new signage and logo above the front entrance, Decision: Pending.

CONSULTATIONS

Penarth Town Council were consulted on 20 May 2022. No response has been received at the time of writing this report.

Plymouth Ward Members were consulted on 20 May 2022. Councillor Ernest has responded and raised questions over the visual impact of the height and appearance of the railings close to the conservation area are raised and its appropriateness for a care home; lights have been installed, which shine on to neighbours; the gates are locked after dark and ambulances have had to use their horns to access the site, which has affected the neighbours' sleep; a large advertising banner is hanging from the fencing, which is both annoying and intrusive on the conservation area; the gateway installed off the car park encroaches on to Vale of Glamorgan owned land and this raises the question of permission for this.

Council's Estates (Strategic Property Estates) were consulted on 20 May 2022. They have responded that Waverley Care Centre has a right of way across the Council's land on foot to a pedestrian side gate and by vehicle to the double gates. The gates should not encroach on to Council's land.

Council's Highway Development were consulted on 20 May 2022. They have responded and raise no objection. They state the fence does not encroach onto the adopted highway, but the land adjacent the care centre is Council freehold land registered to Highways. The gates provided are sideways opening and do not open out onto the adopted highway.

Council's Shared Regulatory Services (Pollution) were consulted on 20 May 2022. No response has been received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were consulted on 20 May 2022. A site notice was also displayed on 23 May 2022. One response has been received at the time of writing this report and the comments are summarised below:

- The brick wall with railings suit the area and the railings erected do not suit the area.
-
- Emergency vehicles visiting at night blow their horns for the gates to open, which is very disturbing.
-
- The new railings are being used to advertise recruitment.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

Managing Development Policies:

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

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

Future Wales: The National Plan 2040:

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

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:

- Model Design Guide for Wales
- Parking Standards (2019)

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.

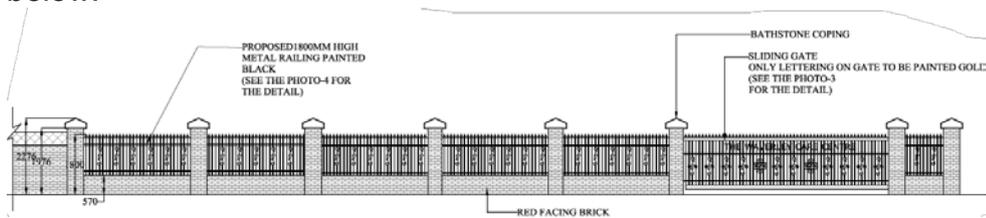
Issues

In assessing the proposal against the above policies and guidance, it is considered that the main issues include the design and visual impact of the proposal; any impact on the

amenity and privacy of neighbouring properties and the impact on parking and highway safety.

Design and Visual Impact

The site is located close to but outside of Penarth Conservation Area. Previously planning permission (Ref 2021/00411/FUL) was granted for the demolition of a boundary wall to the front of the building and replacement with a brick wall and piers and infill railings in part of the section fronting Plymouth Road. The approved plan for that application is shown below.



Concerns have been raised about the visual impact of the railings that have been erected, in place of the above, and that these do not suit the area and care home. In assessing the impact, the boundary was previously partly open and the introduction of railings retains a feeling of openness to the site. It is also material that the approved scheme (ref. 2021/00411/FUL) would have resulted in the site appearing more enclosed.

Google street image 2012



Photo taken 2022



The railings erected are slightly higher than the previously approved enclosure (2.2m instead of 1.8m with posts 2.5m high instead of 2.3m). Whilst the size and design could be perceived as resulting in a more “security conscious” appearance, this is not considered to result in such a significant detrimental visual impact that would warrant the refusal of the application and enforcement against the development as constructed. On balance, it is considered the overall design, size and form would not be harmful to the street scene, the care home site and the nearby conservation area. The character and setting conservation area would therefore not be harmed, in accordance with Section 72(1) of the Act.

The railings and gates erected to the southern boundary span a smaller part of the boundary and are of a similar design and size to that on Plymouth Road (see photos in above section - Description of Development). They are considered acceptable and the visual impact is negligible on the area as a whole. It is noted the fencing/gates have not

been completely painted black in accordance with the plans. A condition requiring this to be completed would be necessary in respect of the visual impact on the area.

Consequently, the proposal is considered to be in compliance with both policy MD2 and MD5 of the LDP, and policies SP10 and MD8.

Impact on Neighbours

The gates and railings have an open design and as such would not result in overshadowing and would not have an appreciable impact on the outlook of surrounding neighbours.

A concern has been raised about emergency vehicles visiting the site at night and having to 'beep the horn' to access the site. This has been stated as disturbing the neighbours and affecting their sleep. Whilst this is noted, it would be a matter outside the control of this planning application and would be a management issue for the operators of the facility. Moreover, the scheme previously approved contained a similar form of sliding gates. In addition, if the level of noise generated becomes a statutory nuisance, this can be dealt with under relevant Public Health legislation.

Furthermore, a concern has been raised with regard to bright lights that have been installed that shine towards neighbouring properties. This is however not part of the planning proposal and should the level of light pollution become a statutory nuisance this can be dealt with under Public Health legislation.

Consequently, taking into account the above, the proposed railings and gates themselves would cause no unneighbourly impacts on the nearby dwellings and therefore complies with policy MD2 of the LDP.

Parking and Highway Safety

No objection has been raised by the Council's Highways Authority. The proposal would have no impact on the available parking spaces at the Care Centre or the Council's Car Park.

Other Issues

The issue with regard the encroachment on to Council land is noted. A post and hard surface area, as identified in the photograph below, does appear to encroach on to Council freehold land registered to Highways, although it does not form part of the application. The Highways Engineer has also clarified it does not affect the adopted highway. The applicant has been made aware and a request to remove the post has been made, which is separate to the determination of this application. They have clarified the post is not needed for the gates and fencing and it has been removed as detailed in the photo below. Furthermore, the Council's Neighbourhood Manager – Highways Maintenance is aware of the situation and has stated they will progress any further enforcement necessary.

Before



After post has been removed.



The concerns raised with regard advertising on the railings is noted and is not part of the planning application. The Council's Planning Enforcement Section have been made aware and if Advertising Consent is required a separate application would be required.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Site Location Plan
501 Plans/Elevations
502 Site Plan
503 Plans/Elevations

Reason:

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

2. All the proposed railings/gates shall be painted black to match the existing railings on the front boundary of Plymouth Road and Raisdale Road, within 1 month of the date the date of this consent and the railing and gates as approved shall thereafter be maintained in this colour.

Reason:

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

REASON FOR RECOMMENDATION

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

Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to Policy SP1 (Delivering the Strategy), MD2 (Design of New Development), MD5 (Development within Settlement Boundaries) of the Vale of Glamorgan adopted Local Development Plan 2011 – 2026 and Future Wales – the National Plan 2040, and the advice contained in the Councils Supplementary Planning Guidance on Parking Standards, Chapter 3 (Strategic and Spatial Choices of Planning Policy Wales 11th Edition, Technical Advice Note 12 (Design), the development is considered acceptable in terms of its scale, design, impact on the existing building and wider street scene and the adjacent Conservation Area, neighbouring amenity and parking 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:

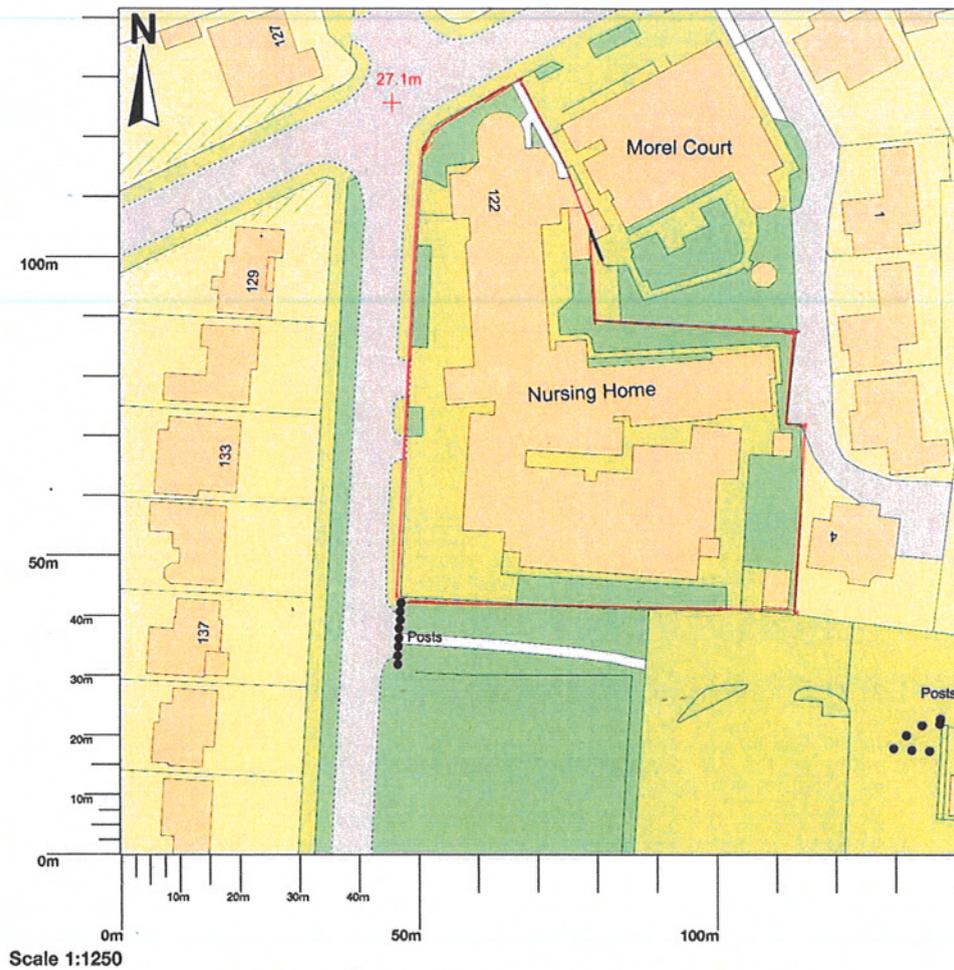
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

**Waverley Care Centre, 122-124, Plymouth Road, Penarth, CF64
5DN**



Map area bounded by: 318440,170449 318582,170591. Produced on 18 March 2021 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2021. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2cuk/595401/807654