

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 7 SEPTEMBER, 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:

2022/0004/RV	A	45, Fairfield Rise, Llantwit Major. CF61 2XT	Single storey pitched roof garage on the side of existing property and convert into a interior reception room along with doorways
2022/0015/PO	AC	5, Lynch Blossie Close, Radyr, Cardiff, CF5 2QU	Side elevation extension
2022/0016/PO	AC	411, Western Avenue, Cardiff, CF5 2BD	Single storey attached flat roof garage
2022/0017/PO	AC	Kenray, St. Lukes Road, Dukestown, Tredegar, NP22 4EN	Bungalow loft conversion and rear single storey extension
2022/0018/PO	AC	5, Stable Lane, Pantygog, Bridgend, CF32 8DP	Domestic new build
2022/0019/PO	AC	65, Honiton Road, Llanrumney, Cardiff. CF3 5QL	Proposed loft conversion comprising rear dormer extension and insertion of roof lights to front elevation with all associated internal and external works
2022/0020/PO	AC	The Vaults, Newport Provision Market, High Street, Newport. NP20 1DD	Change of use of basement to commercial retail space
2022/0179/BR	AC	Land at Hayes Wood, The Bendricks, Sully	Proposed affordable residential scheme for 53 units and associated works

2022/0230/BN	A	9, Nantlais, Corntown, CF35 5SA	Garage conversion
2022/0415/BR	AC	Llantwit Major and Coastal Vale Medical Practice, Eryl Surgery, Llantwit Major, CF61 1ST	Two storey side extension to the existing surgery
2022/0457/BN	A W	11, South Walk, Barry, CF62 8DB	Demolition of existing side extension and rebuild new single storey side extension
2022/0458/BN	A	26, John Street, Penarth, CF64 1DN	2 Storey extension to basement and GF and internal alterations
2022/0460/BN	A	Station House, 1, Station Terrace, Wenvoe, CF5 6AJ	Loft conversion with dormer
2022/0463/BN	A	21, Peterswell Road, Barry, CF62 7NB	Loft conversion with dormer and build new gable end
2022/0464/BN	A	9, Badgers Brook Drive, Ystradowen, Cowbridge, CF71 7TX	Single storey kitchen extension and part garage conversion to a home study - detached garage
2022/0466/BR	AC	16, Herbert Street, Barry, CF63 1EA	Proposed demolition of rear conservatory and erection of single storey extension on same footprint
2022/0467/BN	A	Nevolyen, 14, Burnham Avenue, Sully, CF64 5SU	Demolish existing kitchen and dining room and rebuild a single storey extension. Two small flat roof to the bedrooms. Porch, garden room and storage shed.
2022/0469/BN	A W	8, Norwood Crescent, Barry. CF63 2AR	Single storey rear extension
2022/0470/BR	AC	Land at Rosebery Place, Rear of 86 Stanwell Road, Penarth, CF64 3LJ	Demolition of existing garages and construct new 3 bed dwelling
2022/0471/BN	A W	13, Lynmouth Drive, Sully, CF64 5TP	Single storey extension

2022/0472/BR	AC	39, Clive Place, Penarth, CF64 1AW	Ancillary accommodation and storage
2022/0473/BN	A	13, Suran Y Gog, Barry, CF63 1FT	Garage conversion, internal alterations and reconfigured fenestration
2022/0474/BN	A	15, Cory Crescent, Peterston Super Ely, CF5 6LS	Garage conversion to music room and W/C
2022/0475/BR	AC	Ty Draw Farm, Picketston, CF62 4QP	Demolish part of the existing house. Two storey side extension, Single storey rear extension, internal alterations, porch extension with balcony and second floor games room and bedroom.
2022/0476/BR	AC	35, Sherbourne Close, Barry, CF62 8AQ	Single storey lean to rear extension
2022/0477/BR	AC	62, Adenfield Way, Fontygary, Rhoose, CF62 3EA	Single storey rear extension
2022/0478/BN	A	53, Kingsland Crescent, Barry, CF63 4JR	Dormer loft conversion
2022/0479/BN	A	29. Heol Tre Forys, Penarth, CF64 3RE	Garage conversion
2022/0480/BR	AC	121 Fontygary Road, Rhoose, CF62 3DU	Single storey rear extension
2022/0481/BN	A W	Land Adj to 7, Pant-y-celyn Place, St Athan, CF62 4PS	New dwelling
2022/0482/BN	A	Pound Cottage, Duffryn Lane, St Nicholas, CF5 6TA	Extend existing single storey garage to the side by 6m x 5.4m.
2022/0483/BN	A	2, Orchard Rise, Penarth. CF64 2TL	Loft conversion with dormer to rear
2022/0484/BN	A	Stable Cottage, Court Farm, Llansannor, CF71 7RX	Proposed conversion of existing garage with storage to first floor to holiday accommodation
2022/0485/BN	A W	Birchcourt, 4, The Butts, Cowbridge, CF71 7AP	2 Storey side and single storey side extensions and internal alterations

2022/0487/BN	A	46, Adenfield Way, Fontygary, Rhoose, CF62 3EA	Convert and extend conservatory to orangery with new lightweight roof
2022/0488/BN	A	92, Crompton Way, Ogmore By Sea. CF32 0QF	Single storey extension (less than 10m2) to enlarge lounge with balcony above leading off main bedroom
2022/0489/BN	A	13, Powys Gardens, Dinas Powys, CF64 4LP	knock through and enlarge rear opening for bi fold doors
2022/0490/BN	A	10, Beryl Place, Barry, CF62 8DL	Single storey extension to enlarge kitchen/diner and add utility room
2022/0491/BN	A	4, Monmouth Way, Boverton, Llantwit Major, CF61 2GT	Creation of an opening between the kitchen and dining room
2022/0492/BN	A	34, Smeaton Close, Rhoose, CF62 3FU	Two storey side extension
2022/0493/BR	AC	25, Marine Drive, Ogmore By Sea, CF32 0PJ	Two storey side extension with wrap around balcony and associated staircase. Proposed front porch, additional fenestration and other alterations including driveway structure for storage.
2022/0494/BN	A	13, Main Avenue, Peterston Super Ely. CF5 6LQ	Front porch extension
2022/0495/BN	A W	11, Aneurin Road, Barry CF63 4PP	Proposed single storey extension to side of existing domestic dwelling
2022/0496/BN	A	45, The Verlands, Cowbridge, CF71 7BY	Renovations to existing property to include new bifold patio doors replacing existing window - within width of original opening and using existing lintel. Drainage alterations, new staircase and knock through between kitchen and dining room

2022/0497/BN	A	3A, Ham Mews, Llantwit Major. CF61 1BE	Single storey extension
2022/0499/BR	AC	Tall Trees, Colwinston, CF71 7NJ	Single storey rear extension and part conversion of garage
2022/0500/BN	A W	25, Robinswood Close, Penarth. CF64 3JG	Rear single storey extension
2022/0501/BN	A	76, Cog Road, Sully. CF64 5TE	Knocking down two internal walls to make a large open plan room with a single storey extension
2022/0502/BN	A	66, Burdons Close, Wenvoe. CF5 6FE	Conversion of attached garage into habitable space (living room).
2022/0503/BN	A	St. Athan Primary School, Rock Road, St. Athan. CF62 4PG	Phased renewal of the existing EPDM flat roof finish with a new tapered insulation roof with a triple felt finish, includes repairs and or replacement of sky lights, fascias and rainwater goods
2022/0504/BN	A	St. Illtyd Primary School, Station Road, Llantwit Major. CF61 1ST	Renewal of a flat roof bitumen felt with a tapered insulation and bitumen felt finish, includes repairs and or replacement to roof lights, rainwater goods and high level windows
2022/0505/BN	A	31, Salop Street, Penarth. CF64 1HH	Two rooms into one and inserting steel beam
2022/0506/BR	AC	West House, 17, Stanwell Road, Penarth, CF64 2YG	Existing toilets and kitchenette to be modernised and existing offices to front of building converted into function room
2022/0507/BN	A W	13, St. Lythan Close, Dinas Powys. CF64 4UB	Rear elevation brick single storey extension with flat roof housing lantern (orangery). Approx dims: 3.3 x 5 m.

2022/0508/BR	AC	16, Forrest Road, Penarth. CF64 5BT	Rear first floor extension above existing kitchen, bathroom to first floor.
2022/0509/BR	AC	2, Frampton Lane, Llantwit Major. CF61 2UZ	Single storey rear extension and knock through to create open plan kitchen/diner.
2022/0510/BN	A	43, Coleridge Avenue, Penarth. CF64 2SQ	Loft conversion with dormer
2022/0511/BN	A W	Windsor House, Factory Road, Llanblethian, Cowbridge. CF71 7JD	Conversion of detached existing two storey garage into annexe and extension of garden workshop into office
2022/0512/BR	AC	206, Westbourne Road, Penarth, CF64 5BS	Single storey extension to the side of the property
2022/0513/BN	A	24, Heol Fioled, Barry. CF63 1HB	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
2022/0514/BN	A	41, Walker Road, Barry. CF62 8EN	Single storey rear extension
2022/0515/BR	AC	Howe Motors, Powell Durffryn Way, Barry. CF62 5QR	Construction of garage
2022/0516/BN	A	1, Breaksea Court, Friars Road, Barry. CF62 5TD	New double steel to external wall for external wall to flat above
2022/0518/BR	AC	Unit 31, Atlantic Business Park, Hayes Lane, Sully, CF64 5XU	Installation of new mezzanine to warehouse to form 1st floor office accommodation, including kitchen and W/C
2022/0519/BN	A	93, St. Davids Crescent, Penarth. CF64 3NA	Velux loft conversion
2022/0521/BN	A	The Lodge, Castle Avenue, Penarth, CF4 3QS	Replacement of existing timber framed windows with new aluminium framed windows

2022/0523/BR	AC	40, Badgers Brook Rise, Ystradowen, CF71 7TW	Single storey rear extension and associated internal alterations
2022/0525/BN	A	32, Heol Pilipala, Rhoose, CF62 3LP	Garage conversion and knock through
2022/0526/BR	AC	Ysgol Y Deri, Sully Road, Penarth, CF64 2TP	Installation of single storey demountable building to be used as classrooms
2022/0527/BN	A W	17, Cross Street, Barry, CF63 4LU	Single storey extension
2022/0528/BR	AC	3, Maes Y Gwenyn, Rhoose. CF62 3LA	Single storey rear extension
2022/0529/BN	A	36. Tre-beferad, Boverton, Llantwit Major, CF61 1UX	Two storey extension
2022/0530/BN	A W	86, Port Road East, Barry. CF62 9PU	Removal of existing garage and new Single storey side extension including a garage, two storey part rear extension and roof dormer extension with balcony
2022/0533/BN	A	Y Felin Fach, Monkash, CF71 7QQ	Proposed detached garage
2022/0536/BN	A W	46, Porlock Drive, Sully, CF64 5QA	Single storey side extension
2022/0537/BR	AC	5, Vere Street, Barry, CF63 2HX	Convert loft into a flat
2022/0538/BN	A	59, Romilly Park Road, Barry, CF62 6RR	Single storey extension
2022/0539/BR	AC	1A, Castle Close, Boverton, Llantwit Major, CF61 1UU	Single storey rear extension
2022/0540/BR	AC	1, Castle Close, Boverton, Llantwit Major, CF61 1UU	Single storey rear extension
2022/0541/BN	A	47, Kingsland Crescent, Barry, CF63 4JR	Dormer loft conversion
2022/0542/BN	A	63, Kingsland Crescent, Barry, CF63 4JR	Dormer loft conversion with removal of chimney stack above the roof.

2022/0544/BN	A W	101, Boverton Road, Llantwit Major, CF61 1YA	Demolition of existing house and construction of 2 no. New detached dwellings with access, parking and amenity.
2022/0545/BN	A	31, Llwyn Y Gog, Rhoose, CF62 3LS	Removal of internal wall and removal of patio doors and kitchen window to install four sliding doors
2022/0546/BN	A	2, Tennyson Road, Penarth, CF64 2RY	Widening an existing knock through
2022/0547/BN	A	17, Kenson Close, Fontygary, Rhoose, CF62 3FS	Replace 8 windows and two doors
2022/0548/BN	A	37, West Terrace, Penarth, CF64 2TX	Enlarge opening for bifold doors
2022/0549/BN	A	10, Pontypridd Road, Barry, CF62 7LR	Single storey extension to replace existing conservatory
2022/0550/BN	A W	83, Tennyson Road, Penarth, CF64 2SA	Single storey extension (3.6m by 6.6m)
2022/0552/BN	A	56, Winston Road, Barry, CF62 9SX	Re-roof
2022/0555/BN	A	47, Pantycelyn Road, Llandough, Penarth, CF64 2PF	Proposed dormer roof
2022/0556/BN	A	Ty Bwch, Bute Lane, Penarth	Renovation works to include; A new roof structure, rooflights and slates, rebuild front and rear gable walls, new partition walls to first floor, insulate ground floor, walls and roof, new windows and doors, rewire and new heating system.
2022/0557/BN	A	113, Plymouth Road, Penarth, CF64 5DF	Partial demolition of existing extension and rebuild 4m ² larger
2022/0561/BN	A	54, Westbourne Road, Penarth, CF64 3HB	Fitting of new UPVC double glazed windows to front of property

(b) Building Regulation Applications - Reject

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

2022/0486/BN	R	130, Redlands Road, Penarth, CF64 2WN	Loft conversion with dormer
2022/0517/BN	R	14, Cambridge Street, Barry. CF62 6PJ	Loft conversion with dormer
2022/0520/BN	R	82, Lakin Drive, Barry, CF62 8AJ	Single storey rear extension,
2022/0531/BN	R	Manor House Chalets, Sully Road, Penarth. CF64 2TQ	Conversion of existing chalet into 1 residential dwelling
2022/0534/BN	R	Plot 1, Pwll Y Min Farm, Main Avenue, Peterston Super Ely, CF5 6LQ	Proposed dwelling
2022/0535/BN	R	Plot 2, Pwll Y Min Farm, Main Avenue, Peterston Super Ely, CF5 6LQ	Proposed new dwelling

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

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

2022/0123/AI	A	Topstak, Unit 42, Vale Business Park, Llandow, CF71 7PF	New portal frame warehouse
2022/0124/AI	A	7, Park Road, Penarth, CF64 3BD	Partial demolition of a single storey garage and reconstruction of a smaller garage in the same location. Construction of a rear and side single storey extension. Alteration of windows in stairwell, the replacement of a first floor rear window and the addition of two new roof lights to the rear slope of the existing roof to replace two existing Velux roof lights and replacement roof
2022/0125/AI	A	The Deck, The Boatyard, Penarth Marina, Penarth. CF64 1TT	Extension of ground floor restaurant / seating area by enclosing existing external deck to rear.

2022/0126/AI	A	47, Heol Y Fro, Llantwit Major, CF61 2SA	Replacement of existing conservatory roof with a Warm Roof System
2022/0127/AI	A	30, Middlegate Court, Cowbridge, CF71 7EF	Single storey rear extension with and Ultraframe Livin roof
2022/0128/AI	A	Dormy House, Ogmore, CF32 0QP	Single storey side orangery extension
2022/0129/AI	A	1, Badgers Brook Rise, Ystradowen, Cowbridge. CF71 7TW	Single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2022/0130/AI	A	48, Marine Drive, Barry. CF62 6QP	Replacement of existing conservatory roof
2022/0131/AI	A	40, Golwg Y Coed, Barry, CF63 1AF	Single storey rear extension
2022/0132/AI	A	Former Pizza Hut, Brooklands Retail Park, Port Road, Culverhouse Cross. CF5 6XW	Fit out of existing shell unit to form a Greggs
2022/0133/AI	A	96, Pontypridd Road, Barry, CF62 7LT	Conservatory roof replacement
2022/0134/AI	A	1, Ty Newydd Cottages, St. Brides Road, St. Brides Super Ely, CF5 6HD	Installation of sewage treatment plant
2022/0135/AI	A	2, Ty Newydd Cottages, St. Brides Road, St. Brides Super Ely, CF5 6HD	Installation of sewage treatment plant
2022/0136/AI	A	Grange Lodge, St Brides Road, St. Brides Super Ely, CF5 6EY	Installation of sewage treatment plant
2022/0137/AI	A	85, Crompton Way, Ogmore By Sea, CF32 0QF	Single storey rear extension
2022/0138/AI	A	Great Hamston Farm, Dyffryn, CF5 6SU	Construction of single storey Oak framed orangery extension (shell only) to dwellinghouse

2022/0139/AI	A	52, Dunraven Close, Cowbridge, CF71 7FG	Single storey rear extension
2022/0140/AI	A	6, Friars Road, Barry, CF62 5TR	Conversion of care home to 5 No. new dwellings (as amended 19.08.2022)
2022/0141/AI	A	10, Brunel Close, Barry, CF63 2AF	Structural alterations to existing doorway
2022/0142/AI	A	1, Coed Bach, Barry, CF62 8AE	Single storey rear extension
2022/0143/AI	A	50, Greenmeadow Way, Rhoose, CF62 3FJ	Formation of a structural opening to accommodate installation of lift
2022/0144/AI	A	1B, Springfield Close, Wenvoe, CF5 6DA	Formation of a structural opening to accommodate installation of lift
2022/0145/AI	A	2, Southglade, Sully, CF64 5TU	Replacement of existing conservatory roof with a Warm Roof System

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 7 SEPTEMBER, 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

2018/01108/5/C D	A	Land at Subway Road, Barry	Discharge of Conditions 15 (Highway Condition Survey 2) and 16 (Highway Condition Survey 3). Planning approval 2018/01108/FUL - Demolition of existing buildings and erection of 72 affordable housing units, cycle bicycle store, waste store, surface level car park and associated works
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2018/01335/RES	A	Orchard Rise, 6, Penlan Road, Llandough	Permission to demolish existing dwelling and construct two new dwellings along with
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			approval of details of access, appearance, landscaping, layout and scale
2018/01383/1/N MA	A	St. Pauls Church Hall, St. Pauls Avenue, Barry	Non Material Amendment - Variation of condition 2 (approved plans) to update approved drawings and allow for a change of the wording of condition 7. Planning approval 2018/01383/FUL - Proposed demolition of existing church and hall; development of 27 flats and associated works
2018/01420/2/C D	A	56a, Windsor Road, Penarth	Discharge of Conditions 4 (Access and Works to Highway), 7 (Foul, Land and Surface Water Drainage Details) and 20 (levels). Previous approval 2018/01420/FUL - Demolition of the former garage and erection of a 4-storey building comprising 21 residential units with undercroft parking, access arrangements, and associated works
2019/00603/2/C D	A	Land at Hayes Road, Barry	Discharge Conditions 10,11, 21 of planning permission 2019/00603/FUL-The proposed development of 23 affordable homes and associated works at Land at Hayes Road, Barry
2020/00234/2/N MA	A	38, Main Street, Barry	Non material Amendment - Amendments external cladding and reduction in number of roof lights. Planning approval 2020/00234/FUL - New build three storey apartment building fitted

			with seven one bedroom flats and associated parking and amenity space
2020/00476/FUL	A	Greenway Farm, Greenway Road, Bonvilston	Change of use of land to residential curtilage of Greenway Farm and conversion of barn and alterations to form Granny Annexe
2020/00694/FUL	A	14, Heath Avenue, Penarth	Rear/side single storey extension
2021/00120/1/N MA	A	To Hesg, Colhugh Street, Llantwit Major	Non Material Amendment - Replacing the approved stone wall finish, with a timber boarded finish on the new kitchen/dining extension at the rear of the property. Planning approval 2021/00120/FUL - Repairs and alterations to the existing listed building; demolition of a modern extension and the addition of two new extensions
2021/00708/1/C D	A	Trewallter Fawr, Walterston, Llancarfan	Discharge of Condition 3 (Details/Additional Details). Planning approval 2021/00708/LBC - Proposed internal alterations to first floor master bedroom (new en suite bathroom and dressing room)
2021/00931/1/C D	A	Ty Creigiau, 1, Cwrt Dyfed, Barry	Discharge of Condition 3 (Details / Additional Details). Planning approval 2021/00931/FUL - Single storey side and first floor side extensions and replacement canopy

2021/00947/CAC	A	23, Britway Road, Dinas Powys	Proposed detached single storey/bungalow dwelling with mezzanine level and rear dormer windows and demolition of garage.
2021/01413/1/N MA	A	Cross House, Sigingstone	Non Material Amendment - Change the external material on a section of the new extension from stone to render. Planning approval 2021/01413/FUL - Single storey side extension and new external porch plus all associated works (including some alterations to the roof of an existing garage within the site curtilage)
2021/01453/FUL	R	24, Morlais Street, Barry	Conversion of existing dwelling into two dwellings, including reconfiguration of the internal layout and external amendments to the front elevation
2021/01714/FUL	A	1, Castell Bach Cottages, Clawddoch, Cowbridge	Side and rear extension to existing cottage
2021/01759/FUL	A	The Ferns, 1, Northcliffe Drive, Penarth	Proposed single storey rear extension with balcony access at first floor level. Proposed single storey side attached structure. Proposed extension to detached garage structure to facilitate widening of existing structure with associated roof alteration works. Alterations to existing rear landscape design including alterations to ground levels; all with associated external works.
2021/01779/1/C D	A	Town Hall, Cowbridge With Llanblethian Town Council, 21, High Street, Cowbridge	Discharge of Condition 3 (Details / Additional Details - slate). Planning permission

			2021/01779/LBC - Replacement of the Mayors parlour roof and lesser hall roof with Spanish slate
2022/00001/FUL	A	41, Hinchsliff Avenue, Barry	Demolition of side outbuilding and rear conservatory. Creation of 2 storey side extension, front monopitch porch and replacement conservatory to the rear, with balcony over
2022/00131/FUL	A	Foxes Hollow, Michealston Le Pit Road, Michaelston Le Pit	Proposed erection of hay barn and formation of horse manege
2022/00147/FUL	A	First Floor Flat, 29, Park Road, Barry	Redevelop internally to give more bedrooms and better use of space. Externally with a ground floor extension at side of building, updated roof and modest dormers at front and rear. With new external metal staircase and balcony area
2022/00175/LAW	A	17, Caer Worgan, Llantwit Major	Replace conservatory with single storey extension
2022/00195/FUL	A	65, Porth y Castell, Barry	Demolition of existing rear conservatory, 2 storey rear extension and garage. Proposed 2 storey side and rear extensions, dormer loft conversion and other internal alterations to property
2022/00196/FUL	A	33, Brenig Close, Barry	Proposed summer house / gym at rear of garden to existing domestic dwelling
2022/00225/FUL	A	21, Victoria Square, Penarth	To demolish rear annex, replace windows with UPVC sliding sash, bi fold doors to rear elevation,

			new summer room, and new full height windows to the front elevation (Rosebery Place)
2022/00248/OUT	R	Derelict buildings at Siop Newydd, Heol Las, Monknash	Conversion of derelict barn and farmhouse to create a dwelling and office as part of a live work arrangement
2022/00257/FUL	A	25, Spires Walk, Barry	Erection of a single storey rear extension and single storey side extension
2022/00271/FUL	A	3, Clive Place, Penarth	Construction of a lower ground and ground floor side return extension and Velux Cabrio and standard roof lights to the rear roof. Conservation Area Style rooflight to front.
2022/00278/RG3	A	Docks Office, Subway Road, Barry	Transport interchange to integrate bus and rail travel. The transport interchange will utilise the existing council ground level car park area to the east of the Docks offices, creating a circulatory route for buses and taxis, with a central landscaped area with seating, cycle stands and allowing for potential cycle hub / cafe unit and 'Next-bikes' in the future (this would be a separate planning application). The scheme will also have secure cycle lockers and future proof for electric vehicle charging of both buses and taxis. New bus shelters with interactive displays, and new LED lighting to current standards will also be installed

2022/00287/FUL	A	10, Park Road, Penarth	Reinstatement of former coach house building, with garden room and greenhouse
2022/00309/FUL	A	Filco Foods, 19, Boverton Road, Llantwit Major	Proposed ramp and steps
2022/00312/FUL	A	Lifeguard Station, Beach Road, Llantwit Major	Proposed 1st floor viewing gallery with associated access from existing building. Insertion of Velux rooflights to existing female WC
2022/00313/FUL	A	Cwrt Newydd, Welsh St. Donats	First floor extension to provide ensuite bathroom
2022/00316/FUL	A	12, White House, Barry	Proposed single storey extension to side elevation with glazed roof and proposed single storey extension to rear, with balcony, to replace existing conservatory. Also changes to rear windows
2022/00317/FUL	A	11, Orchard Walk, St. Athan	Installation of a 16 panel solar array (5.6KW - 6.4KW) and home storage battery (circa 10KWh) in the garage. Panels to be installed on rear southernly elevation of the property
2022/00329/FUL	A	4, Daniel Street, Barry	Dormer rear loft conversion and single storey side extension to rear. All finishes to match existing
2022/00354/FUL	A	5, Vere Street, Barry	Proposed rear dormer roof extension to provide a studio flat
2022/00362/FUL	A	Pedair Onnen, Ruthin Road, St. Mary Hill	Place 19 ground mounted solar panels in the former paddock area. The solar panels will cover an area of 11.9m x 3.6m (with a total area of 32 m2).

2022/00380/ADV	A	Advertisement Billboard, Weston Square, Cadoxton, Barry	Application to upgrade existing advertisement billboard to a digital LED advertisement
2022/00381/FUL	A	27, Borough Avenue, Barry	Removal of existing conservatory, proposed new two storey side extension and single storey extension to front of existing dwelling including porch
2022/00387/FUL	A	5 Pioden For, Barry	Single storey rear porch/utility room from kitchen into back garden
2022/00392/FUL	A	95, Fonmon Park Road, Rhoose	Summer House W:260 L:420 H:300 Eaves:230 (Cm)
2022/00395/FUL	A	St. Brides Court, St. Brides Major	Construction of 2 No. Outbuildings Gym/Studio and Pool and garage, to compliment proposed two storey detached dwelling at St. Brides Major.
2022/00398/FUL	A	Melrose, Swanbridge Road, Sully	Two storey side and rear extension
2022/00400/FUL	A	Land at 24, Jewel Street, Barry	Proposed construction of a new 3 storey 3 bed end of terrace dwelling, with dedicated front and rear garden areas
2022/00402/FUL	A	Trinity Church Studios, Trinity Street, Barry	Change of use of photography studio to a live/work unit comprising part music studio and part residential dwelling.
2022/00406/FUL	A	14, Stanton Way, Penarth	Single storey side extension with first floor extension works and associated alterations

2022/00413/FUL	A	163, Pontypridd Road, Barry	Conversion and extension to existing garage to create a single storey artist studio with storage/utility space
2022/00418/LAW	A	2, Percy Smith Road, Boverton, Llantwit Major	Use of part of dwellinghouse as a hair salon
2022/00423/FUL	A	Island View Residential Care Home, Friars Road, Barry	Conversion from residential care home (C2) to 3 dwelling houses (C3)
2022/00428/FUL	A	1, Arlington Mews, Sully	Loft conversion including side and rear dormers, internal alterations including garage conversion to form new habitable space plus the formation of new off street parking within the dwelling curtilage
2022/00429/FUL	A	34, Coronation Terrace, Penarth	The construction of a garden room to the existing open undercroft to the rear
2022/00434/FUL	A	Kailily Farm, Cnepyn Lane, Peterston Super Ely	To construct an all weather arena on a piece of land already used at Kailily Farm. The arena will be used for our daughter's personal use to exercise her horses all year round in all weather. The arena will be 50 X 30 metres and surrounded by a wooden fence with 2 access gates
2022/00436/FUL	A	36, West Walk, Barry	Removal of existing detached garage. Addition of two storey side and rear extension with a single storey rear and front extension and associated alterations

2022/00439/RG3	A	5, Wimborne Crescent, Sully	Single storey side and rear extension with new parking space off existing highway plus all associated works
2022/00446/FUL	A	26, Heol Yr Ysgol, St. Brides Major	Single storey extension to rear of property and side (over existing garage) with Juliette balcony to front. White cedar cladding to exterior of property
2022/00447/LAW	A	16, Harbour Road, Barry	Demolition of existing attached single storey lean to side extension. Proposed single storey side extension and smooth render finish to rear annexe wall, all with associated external works
2022/00456/FUL	A	49, Romilly Park Road, Barry	Proposed loft conversion incorporating front elevation rooflights and rear elevation dormer with Juliette balcony
2022/00457/FUL	A	11, Min y Mor, Barry	A first floor gable extension and dormer to the front elevation and a dormer to the rear, with internal reconfiguration
2022/00461/FUL	A	Mayfield, Sigingstone	First floor rear extension
2022/00465/FUL	A	Golden Grove, Coldbrook Road West, Barry	Demolition of existing rear/side extension to property and replace with a new single storey extension
2022/00472/FUL	A	8, Dyffryn Place, Barry	Two storey side extension and single storey front and rear extensions
2022/00474/FUL	A	1, Balmoral Court, Barry	Single storey rear extension and car port addition

2022/00479/FUL	A	The Gables, Methodist Lane, Llantwit Major	Conversion of the garage to internal accommodation, including external material alterations
2022/00480/FUL	A	HSBC, 85, Holton Road, Barry	Change of Use from an HSBC to Specsavers with new signage and external AC condensers to the rear of the unit
2022/00481/ADV	A	HSBC, 85, Holton Road, Barry	New signage for Specsavers
2022/00487/FUL	A	Pantiles, Colwinston	Demolition of existing shed and construction of new outbuilding
2022/00489/FUL	A	Former Pizza Hut (UK) Ltd., Brooklands Retail Park, Culverhouse Cross	Removal of Condition 3 of Planning Approval 2005/01343/FUL: The restaurant shall not be open to the public outside the hours of 08.00 hours to 23.00 hours on any day
2022/00490/FUL	A	1, Crossfield Road, Barry	Single storey rear and side extensions and construction of a porch on the front elevation
2022/00492/FUL	A	Unit F, Valegate Retail Park, Culverhouse Cross	Change of use to D2 (Assembly and Leisure) with ancillary A1 and A3 uses
2022/00493/LAW	A	14, Somerset Road East, Barry	Proposed loft conversion, rear dormer with Juliette balcony and hip to gable end
2022/00500/FUL	A	77, Redlands Road, Penarth	Proposed single storey rear and side extension, demolition of existing garage and new replacement garage repositioned

2022/00503/FUL	A	1, Pioden For, Barry	Fit 2 no. Velux rooflights to rear roof. Retrospective application for rear porch and side store due to removal of permitted development rights
2022/00510/FUL	A	The Lodge, Llandow	Proposed single storey rear extension
2022/00517/FUL	A	Chestnut Lodge, Pen y Turnpike Road, Dinas Powys	Development to extend and raise existing bungalow to a two storey dwelling
2022/00518/FUL	A	16, Great House Meadows, Llantwit Major	Single garage with a pitched slate [effect] tiled roof; stone cladding to the front and render to the sides and rear elevations. Vehicle access by extending the driveway behind the front hedge. At the rear there will be a wide side opening door and window. A front gate and passageway will provide side access between the garage and main dwelling
2022/00522/FUL	A	Penrhiw House, The Downs, St. Nicholas	Proposed two storey front bay extension and existing front dormer remodelling to match proposed extension. Existing garage and shed to be demolished and replaced with new summer house
2022/00523/FUL	A	3, Cardiff Road, Dinas Powys	Single and double storey rear extension
2022/00525/FUL	A	Wild Goose Lodge, Craig Yr Eos Avenue, Ogmore By Sea	Erection of shed in rear garden

2022/00529/FUL	A	5, Eagle Road, St. Athan	Single story extension to front elevation and a single storey rear extension
2022/00531/FUL	A	2, The Courtyard, Michealston Le Pit Road, Michaelston Le Pit	Installation of Air Source Heat Pump at rear of property
2022/00532/FUL	R	8, Westward Rise, Barry	Taking down redundant chimney stack to first floor level
2022/00538/FUL	A	21, Afal Sur, Barry	Front and rear dormer loft conversion
2022/00544/FUL	A	34, Wimborne Crescent, Sully	Proposed single storey rear extension and alterations to front conservatory
2022/00545/FUL	A	Springfield House, Llysworney	New porch to the front elevation with balcony above, alterations to façade with new D/G windows and a Single storey orangery to the rear of existing dwelling
2022/00550/FUL	A	141, Fontygary Road, Rhoose	Single storey side garage extension, porch to front door, changes to fenestration, increase rear raised decked area
2022/00555/FUL	A	Hazelwood, Church Close, Ogmore	Take down existing lower ground floor extension. Construct new extension to form bedrooms, bathrooms. Convert existing garage into kitchen, including forming a pitched roof. Form glazed balcony over flat roof, in part construct new garage (detached). construct new front porch
2022/00559/FUL	A	Unit 4, Stonehouse Business Park, Llandow	Proposed fit out of newly built unit and the provision of an Internal Mezzanine

			floor for associated office accommodation. Provision of ribbon windows to serve the ground floor and new mezzanine floor
2022/00561/FUL	A	62, Fairfield Rise, Llantwit Major	Demolition of existing single skin, single storey extension and replace with new single storey extension to rear of property. Internal alterations to the ground floor and loft conversion with rear flat roof dormer and Juliette balcony. Cladding to front elevation to be replaced by rustic brick
2022/00569/FUL	A	40, Heol St. Cattwg, Pendoylan	Ground floor rear extension with modified roof and roof windows
2022/00570/FUL	A	7, Church View, Marcross	Oak framed orangery, single storey extension with roof lantern
2022/00575/FUL	A	Woodside, St Hilary	Construction of two storey extension incorporating removal of existing garage, new timber entrance canopy and cladding to front elevation
2022/00578/FUL	A	Westmoor Barn, Primrose Hill, Cowbridge	Single storey rear extension and redevelopment of the ground floor allowing the creation of a downstairs bathroom with independent access.
2022/00579/FUL	A	9, Elm Grove Lane, Dinas Powys	Two storey side extension: increase to current ground floor with additional floor over. Ground floor bay window to front elevation. Two windows added to west-side elevation.

2022/00591/LAW	A	Lane End, Michaelston Le Pit	Erection of 2m high feather edge timber panel screening fence to replace existing livestock fence along boundary with the garden of Foxes Hollow
2022/00592/FUL	A	26, Nailsea Court, Sully	Renovation works including upgrading the porch, new windows and cladding
2022/00594/FUL	R	13, Cornerswell Road, Penarth	Loft conversion comprising dormers to rear with balcony
2022/00596/FUL	A	Southwinds, St. Lythans Road, St. Lythans	Single storey rear extension to enlarge dining room removing section of first floor existing balcony and utilising roof of new extension as new balcony
2022/00600/LBC	A	Dyffryn Gardens, Duffryn Lane, Dyffryn	Remove/replace/repair damaged coping stones to the Temple within the Pompeian Garden room
2022/00601/FUL	A	22, Croffta, Dinas Powys	Proposed two storey rear extension, additional windows including an oriel window to side elevations, and associated internal alterations
2022/00603/FUL	A	127, Westbourne Road, Penarth	Proposed front, side and rear single storey extensions and loft extensions
2022/00612/FUL	R	7, Marine Drive, Ogmore By Sea	Loft conversion/extension to include raised roof ridge line
2022/00616/FUL	A	37, Chantry Rise, Penarth	Two storey side extension, internal alterations including new windows and doors to front, side and rear elevations

2022/00617/LBC	A	To Hesg, Colhugh Street, Llantwit Major	Repairs and alterations to the existing listed building; demolition of a modern extension and the addition of two new extensions
2022/00621/FUL	A	Ishton Barn, Lon Cwrt Ynyston, Leckwith	Variation of Condition 2: front hall extension
2022/00626/FUL	A	4, Larkwood Avenue, Penarth	Proposed extensions, internal alterations, raising the existing ridge height and widening the existing driveway
2022/00627/FUL	A	39, Baron Road, Penarth	Erection of a two storey side extension with Velux roof windows to front and rear and external alternative access stairs
2022/00630/FUL	A	Highbury, 7A, Beach Road, Penarth	Variation of Condition 2 (Plan Specification) of Planning Approval 2019/01329/FUL: To enlarge rear extension by 1 meter, new layout of eaves and reuse of existing entrance door.
2022/00632/FUL	A	8, Rudry Street, Penarth	Proposed single storey rear extension and dormer roof
2022/00635/FUL	A	Greenways, 2, Frampton Lane, Llantwit Major	Single storey rear extension
2022/00647/FUL	A	Three Horseshoes Inn, Moulton	Proposed single storey extension for food preparation room and office to the side of existing public house
2022/00653/FUL	A	27, Maes Y Gwenyn, Rhoose	Single storey rear extension with first floor roof balcony above
2022/00654/FUL	A	Mariners Way, 17, Marine Parade, Penarth	Retention of small single storey timber outhouse

2022/00655/FUL	A	First Floor, 1a, Stanwell Road, Penarth	Replace the existing 20 wooden windows with uPVC versions of the existing windows
2022/00656/FUL	A	Twmbarlwm, Grove Road, Llandow	Variation of Condition 1 (Time Limit) of Planning Approval 2017/00227/FUL: 1/2 storey rear extension-including kitchen expansion and new family room to ground floor. New master bedroom and en suite and new study/bedroom to first floor
2022/00657/LAW	A	64, Murlande Way, Rhoose	Single storey rear extension to existing dwelling house
2022/00659/FUL	A	Queen Bean Coffee Shop, Rock Road, St. Athan	Replacement of shopfront and minor alterations (relates to planning approval 2022/00099/FUL - 29/04/2022)
2022/00663/FUL	A	Old Mill, Llantrithyd	Reroofing of existing 2 storey extension with a flat roof. Re roofing of kitchen extension pitched upstand with new flat roof with an upstand
2022/00674/FUL	A	Barry ATE Dock View Road, Barry	Removal of 3 no. existing antennas and 4 no. existing cabinets and other ancillary apparatus and the installation of a 5 metre tower extension with Delta headframe, 12 no. antennas, 2 no. dishes, 2 no. GPS antennas, 4 no. cabinets and all other ancillary apparatus
2022/00675/FUL	R	Garden Cottage, Llansannor, Cowbridge	Single storey extension

2022/00677/FUL	A	Bsw Holdings Ltd., Units 60-62, Dyffryn Business Park, Llantwit Major Road, Llandow	a) To remove concrete facias above steel Doors to edge of roof at each end of each of the 3 no. hangers on the site, i.e. 6 no. elevations in total. The whole elevation at each end of each of the 3 no. hangers will be clad in a mix of composite aluminium cladding and glazed glass units attached to proprietary powder coated aluminium curtain walling system. Replace current 1940's steel doors with up and over panel doors at each elevation, some elevations will have a single up and over door fitted and some will have two up and over doors fitted to suit material access requirements. b) To also overclad the existing roof of Hanger 61, with Plastisol coated proprietary steel sheeting onto galvanised steel purlins fixed to existing roof structure to match Hangers 60 and 62 which have previously been over sheeted in the same manner
2022/00678/FUL	R	Monkton House, Holmesdale Place, Penarth	Proposed widening of existing crossover and opening through boundary wall
2022/00679/FUL	A	Llwynddu House, Ystradowen	Proposed refurbishment and two storey side extension with a glazed link to existing dwelling
2022/00681/FUL	A	41, Rheidol Drive, Barry	Proposed garage conversion, internal and external alterations

2022/00683/LAW	A	1A, Castle Close, Boverton, Llantwit Major	Build single storey rear extension to add sunroom, toilet and utility room
2022/00684/LAW	A	1, Castle Close, Boverton, Llantwit Major	Building rear extension to incorporate sunroom, toilet and utility
2022/00687/FUL	A	69, Redlands Road, Penarth	Single storey rear extension. Existing side extension removed
2022/00688/FUL	A	34, Cory Crescent, Peterston Super Ely	Ground floor rear extension
2022/00690/LAW	A	51, Mallory Close, St Athan	Single storey rear extension to existing dwelling
2022/00700/FUL	A	1A, Machen Street, Penarth	Change of use from office space to Sui Generis for the purpose of cosmetic laser treatments
2022/00701/FUL	A	48, Park Road, Barry	Internal alterations to first floor. Demolish existing brick staircase from first floor to garden. Rebuild staircase in steel with wrap around balcony to North West. Alterations to fenestration
2022/00705/FUL	A	Seaview Cottage, St. Athan	To replace shiplap timber infills with cement rendered surface, coloured to tone with limestone surround which will stop ingress of water and vermin. To replace middle door with a dark grey UPVC sliding glass door to stop area being flooded and to increase natural light into the workroom and utility area
2022/00706/FUL	A	2, Robinswood Crescent, Penarth	Demolition of existing single storey garage, utility and garden room.

			Construction of two storey extension to the side and front of the existing property and balcony. Construction of a single storey extension to the rear of two storey extension
2022/00707/FUL	A	Natwest, 2, Plymouth Road, Penarth	External: Remove marketing and made good where required, all to match existing. Remove ATM's, make good, and fill in the wall to match the existing facade / windows. Retain and cover up night safe. Retain and seal letterbox. All marketing behind glazing to be removed. Internal: Removal of marketing units. remove loose furniture, remove counters and internal ATM and self-service machines. Tidy and deep clean throughout.
2022/00708/LBC	A	Natwest, 2, Plymouth Road, Penarth	Closure of branch. Remove external marketing and make good where required; Remove ATMs, make good, and fill in the wall to match the existing facade / windows; Retain and cover up night safe; Retain and seal letterbox; Remove all marketing behind glazing. Removal of internal marketing units; Remove counters and internal ATM and self service machines
2022/00709/FUL	A	40 Clos Maes Dyfan, Barry	New two storey side extension. All finishes to match existing
2022/00711/PNA	R	Mount Pleasant Farm, Middlegate Court, Cowbridge	Agricultural storage barn

2022/00713/FUL	A	Community Care Agency, 4, Camms Corner, Plas Essyllt, Dinas Powys	Change of Use from a care agency to a deli/takeaway
2022/00718/FUL	A	Mary Immaculate School, Caerau Lane, Wenvoe, Cardiff	Extension of an existing school dining hall
2022/00720/FUL	A	14, Sandy Lane, Ystradowen	Conversion of an integrated garage into a habitable area (playroom / sitting room) with storage to rear. Replace the garage door with a double glazed UPVC window to replicate those already used at the property. The area around the window will be bricked and rendered to match the rest of the house
2022/00726/FUL	A	50, Clive Place, Penarth	Proposed new vehicle access and car parking area
2022/00729/FUL	A	26, Beaufort Way, Rhoose	Demolition of existing pitched roof garage, proposed new garage with flat roof and attached home gym
2022/00738/FUL	A	45, The Verlands, Cowbridge	Extending single storey portion of the existing house to two storeys. Adding small lean to single storey extension to front of house. Adding two single storey dual pitched extensions to rear of house
2022/00757/FUL	A	3, Badgers Brook Drive, Ystradowen	New single storey garden room to rear to replace the existing conservatory and two storey side extension
2022/00760/LAW	A	The Wrenns Nest, Lavernock Road, Penarth	Conversion of stable block into a dwelling

2022/00771/LAW	A	Budleigh, Penarth Head Lane, Penarth	New single storey rear extension and loft conversion with rear dormer
2022/00782/FUL	A	17 Windsor Terrace, Penarth	Rear attic dormer extension and ground floor single storey side extension
2022/00788/FUL	A	25, Heol Tre Forys, Penarth	Loft conversion with new rear dormer, plus internal alterations.
2022/00848/LAW	A	4A, Pontypridd Road, Barry	Hip to gable and rear dormer window with Juliet balcony, installation of Velux rooflights and windows to rear elevation
2022/00882/PND	A	Windward Terminal, Atlantic Way, Barry	Demolition of old steel frame loading bay with steel cladding and roller shutter doors and dock levellers to Eastern elevation

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 7 SEPTEMBER 2022

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

None.

(b) Enforcement Appeals Received

None.

(c) Planning Appeal Decisions

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
Decision:	Appeal Dismissed
Date:	16 August 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 appeal property was one of a pair of semi-detached dwellings and with two other pairs, formed three blocks of consistently scaled dwellings set at an oblique angle to Slade Road.

The Inspector identified that the proposed side extension would lengthen the property further north than the position of the existing garage, towards Collard Crescent. Although No 32 was not seen in context with its attached pair, it was located on a prominent and visible corner when viewed from the junction of Collard Crescent with Lydstep Road. The Inspector considered that from this aspect, where it would be seen in combination with the existing dwelling and No 30, the proposal would appear disproportionate due to its bulk and massing. Owing to its length, together with limited set-back and set-down from the front elevation and ridge of the existing dwelling, it would create a visually dominant and inconsistent extension to the semi-detached pair.

When viewed from Slade Road, it was considered that the three blocks of dwellings merged in the view, however lower down the hill, No 30 and No 32 became visible as a pair. The Inspector considered that the proposed scheme would unbalance the semi-detached pair and whilst the appeal site differed from its neighbours in occupying a larger enclosed garden which could accommodate an extension, this would not overcome the harm arising from the scale of the proposal and its adverse relationship with its context.

The proposal would present a tall expanse of largely blank elevation to the street and the Inspector considered there was uncertainty whether the use of materials would relieve the appearance of the proposed front elevation and would not mitigate the visual imbalance of the proposed placement of the garage door. It was therefore concluded that the proposal would be harmful to the character and appearance of the area and fail to comply with Policies MD2 and MD5 of the LDP and the Council's SPG on 'Residential and Householder Development'. Whilst the appellant had referred to other extensions in the locality, the Inspector considered there was no other similar development that had any significant influence on the area's character to warrant the identified harm. It was therefore concluded that the appeal should be dismissed.

(d) Enforcement Appeal Decisions

None.

(e) April 2022 – March 2023 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	6	5	11	1
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		6 (55%)	5 (45%)	11	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	8	5	13	2
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		8 (62%)	5 (38%)	13	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 : 7 SEPTEMBER, 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

2022/00003/TPO	A	Ham Manor Residential Park, Llantwit Major	Work to trees covered by TPO 1977 No.03, as set out in Tree Survey/Report: T243 – Re-pollarding of one Holm Oak tree; T244 - Dead wooding of one Elm tree; T245 - Removal of dead Elm tree; Group 1 - Remove dead/dying Ash tree, remove lateral growth by 3 metres, T1 - 2m Crown Lift
2022/00172/TPO	A	Opposite No. 2, Mill Park, Cowbridge	T1 - Maple - The intention is to reduce the weight on the damaged limbs to avoid failure altogether, as at present it does pose a threat
2022/00425/TPO	A	19, Clos Celyn, Barry	Work to Trees covered by Tree Preservation Order No. 01 2006: Take 10% off the top of the tree and rear of the tree in the N direction. Remove 20% off the branch growing over the garden boundary in the NW direction. Remove the

			<p>small new lower limb growing SW and hanging over the side neighbouring fence back to the stem to keep within the neighbouring boundary. Remove the higher limb growing to the SW over the neighbours property back to the stem to keep within the neighbouring boundary. Remove all dead Ivy from the crown upwards. Remove any dead Ivy hanging over the neighbouring gardens.</p>
2022/00587/TPO	A	8 Chestnut Close, Dinas Powys	<p>Work to trees covered by TPO No. 9 of 2012: Tree One - Oak: Reduction of lateral limbs on Eastern side by 3 metres. Crown clean. Reduce lever arm stresses at branch/stem unions. Tree Two - Oak: Reduce height of tree to lower crown, rebalance tree and reduce one side by up to 30%</p>
2022/00636/TPO	A	9, Le Sor Hill, Peterston Super Ely	<p>TPO No. 06 2012- Rear garden - dead Holly to be dismantled and cut close to ground level. Oak Tree to have one limb removed this is because the limb is over hanging the fence line and the dead/dying Holly is rubbing against the the limb and has broken through the cambium. Second Holly to be dismantled and cut close to ground level because it is encroaching on garden and fence line</p>
2022/00643/TPO	A	Construction site on Port Road, Wenvoe	<p>TPO - No. 04, 1951-Fell dead Sycamore tree (T15).</p>

2022/00747/TPO	A	20, Colhugh Park, Llantwit Major	Work to Tree(s) covered by Tree Preservation Order 1977, No. 3: Copper Beech (only tree in front garden) - Trimming back to acceptable level (10%), currently overhanging road
2022/00761/TPO	A	Capel Yr Efail, Llanccarfan	Work to Tree(s) covered by Tree Preservation 1973. No. 24: Trimming of branches that overhand and interfere with telephone wires. Tree is at the front of property - Hazel tree
2022/00768/TCA	A	The Old Manse, 46, Westgate, Cowbridge	Work to Trees in a Conservation Area: Removal of 2 x Lleylandii
2022/00811/TCA	A	The Lodge, Alexandra Park, Beach Road, Penarth	Work to trees in Penarth Conservation Area: Removal of three fir trees in the right side garden of the property. Stumps to be ground out and different trees planted
2022/00831/TCA	A	9 Paget Place, Penarth	Works to Trees in Penarth Conservation Area: Removal of 1 weeping Ash tree (T0001) in the front of the property due to Ash Dieback disease. Light pruning work (crown lifting by 1m, secondary/tertiary branches only) on one Ash (T002), one Silver Birch (T003) at the rear of the property to prevent obstruction to the rear lane. 1-2m lateral crown reduction on one Walnut tree (T004) in the neighbouring property to prevent obstruction to garden footpath

2022/00874/TCA A 8, The Mount, Dinas
Powys

Work to Tree(s) in a
Conservation Area:
Removal of one Eucalyptus
Camaldulensis situated to
left of drive close to front of
house

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **7 SEPTEMBER, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. TREES

b) TO CONFIRM TREE PRESERVATION ORDER NO. 5, 2022 FOR TREES AT 200, WESTBOURNE ROAD, PENARTH

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because objections have been received following the Tree Preservation Order being made.

EXECUTIVE SUMMARY

In April, a Tree Preservation Order was made on an individual oak tree in the rear garden of 200 Westbourne Road, Penarth. The request was made due to concern that works may be carried out to remove overhanging limbs and branches.

Objections have been received from two neighbouring properties to the tree preservation order, mainly due to concerns regarding the impact of the tree on neighbours. A lack of contribution to amenity and queries regarding the tree's health were also raised as part of these representations.

The tree is in good condition, it has a life expectancy of at least 100 years, and there is a foreseeable threat of works being carried out to it. The tree is also likely to be considered to be a veteran tree. In addition, while it is acknowledged that the tree's visibility and contribution to the wider public realm is relatively limited, the tree is visible from Westbourne Road, through the gap between nos. 200 and 202.

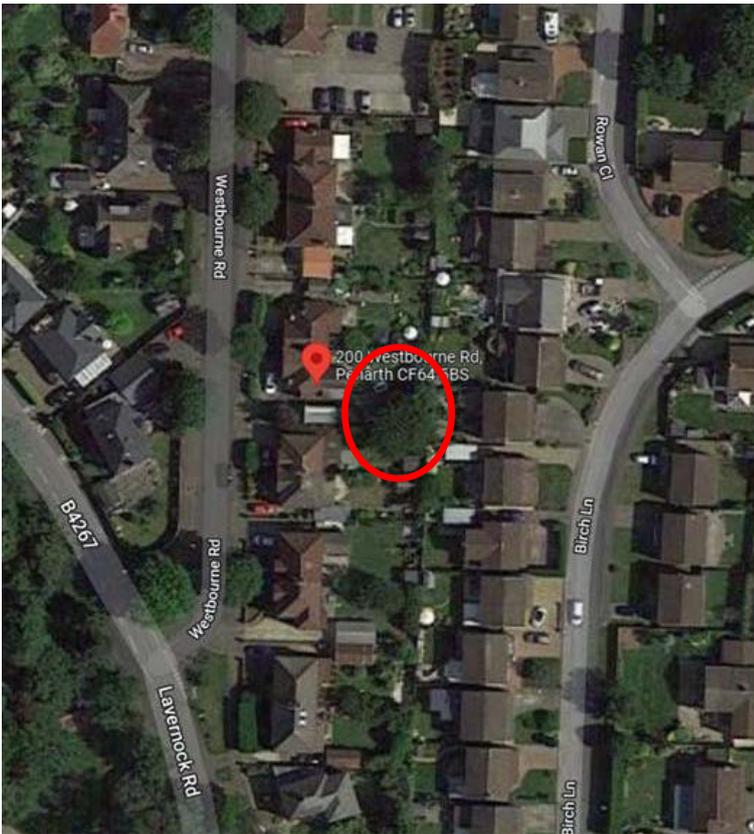
The concerns raised by neighbours are not considered to provide sufficient justification to prevent the confirmation of the Tree Preservation Order.

It is therefore recommended the Tree Preservation Order is confirmed without modification.

SITE AND CONTEXT

200 Westbourne Road is an older semi-detached house located within the settlement boundary for Penarth. There is a mature individual oak tree in the rear garden of the property, which is close to its southern boundary with no. 202, and overhangs this neighbouring property.

Location of Dwelling and Oak Tree:

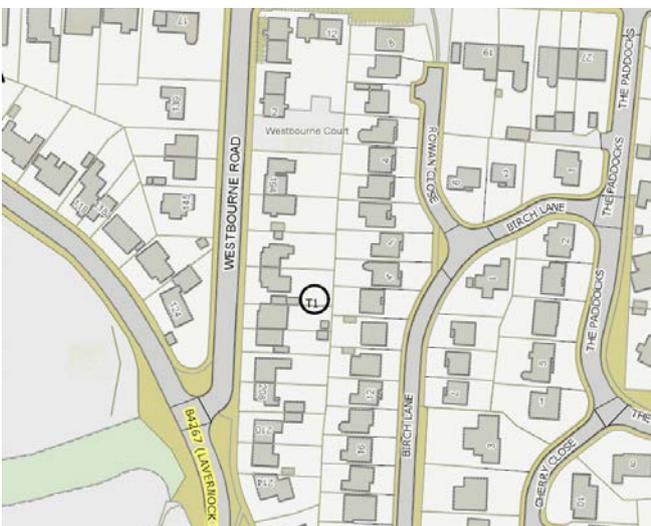


DESCRIPTION OF DEVELOPMENT

A request was received by the Council, from a representative of the occupants at no. 200 Westbourne Road, to make a Tree Preservation Order on the individual mature oak tree in the rear garden of no. 200. This was due to concern that works may be carried out to remove overhanging limbs and branches. This would result in a large part of the crown being removed and there was concern this would be very detrimental to the tree.

Following consideration of the matter, a Tree Preservation Order was made on 27th April 2022 (no. 5 of 2022) for the individual oak tree. Following this, consideration is now required regarding whether to confirm this order.

Site Plan from Tree Preservation Order:



Site Photos:



PLANNING HISTORY

2007/01027/FUL, Address: 200, Westbourne Road, Penarth, Proposal: Extension to rear at first floor, Decision: Approved 9th August 2007.

2007/01257/FUL, Address: 200, Westbourne Road, Penarth, Proposal: First floor extension above existing dining room, Decision: Approved 11th October 2007.

CONSULTATIONS

The Council's NSO Arboricultural Officer has carried out a visual inspection of the tree and has advised that he can see no sign of fungal attack / disease. However, he acknowledges that the tree presents a sunlight issue.

REPRESENTATIONS

Neighbouring properties have been consulted. Representations have been received from two neighbouring properties objecting to the Tree Preservation Order (6 Birch Lane and 202 Westbourne Road)

These are summarised as follows:

- The oak tree is in an inappropriate place, being in a small domestic garden in a residential area;
- The oak is likely to grow and get much bigger;
- The growth of the tree is being unnaturally controlled by pruning;
- If the tree falls or suffers major structural failure (due to a storm, etc.) it will damage surrounding properties and put residents at risk;
- If the crown and roots spread, they will cause damage to surrounding properties;
- The tree blocks out light to no. 202 Westbourne Road;
- There is limited visibility of the tree so it cannot be considered as beneficial to the amenity of the area;
- Queries regarding the health of the tree due to the fall of branches/limbs in a recent storm;
- The tree is plotted incorrectly.

REPORT

Planning Policies and Guidance

Local Development Plan:

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 SP10 – Built and Natural Environment

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD7 - Environmental Protection

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

Future Wales: The National Plan 2040:

Future Wales – the National Plan 2040 is the national development plan. 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:

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.

Planning Policy Wales:

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

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:

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 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 is of relevance:

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

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.

Supplementary Planning Guidance:

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

- Trees, Woodlands, Hedgerows and Development (2018)

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The main consideration is whether it is in the interests of amenity to confirm the tree preservation order, in accordance with Section 198 of the Town and Country Planning Act 1990. Due to the objections raised by neighbours, the Council's NSO Arboricultural Officer undertook a site visit to provide further observations in respect of the tree.

The oak tree was assessed for the purpose of making the tree preservation order using the Tree Evaluation Method for Preservation Orders (TEMPO).

The tree appears in good condition and has no signs of fungal attack nor disease. It has recently had works undertaken including crown reduction, deadwood removal and ivy removal.

It is estimated the tree is between 150 and 200 years old. Oak trees typically have a lengthy lifespan, usually of between 600 and 1000 years, and it is therefore expected that the tree will live for at least another 100 years, if it remains healthy and undisturbed.

The Woodland Trust advises that veteran oak trees are typically between 150 and 300 years old and that veteran trees provide features such as holes, cavities and crevices which are important for wildlife. Although it is acknowledged that work carried out to the tree may have diminished this value, the tree is of an age and form that is considered to be of value for wildlife. Therefore, it is likely to be considered a veteran tree.

In terms of the tree's public visibility, it is within the rear garden of the host property and it is acknowledged that its visibility and contribution to the wider public realm is not particularly wide ranging. However, the tree is nevertheless visible from Westbourne Road, through the gap between nos. 200 and 202 and this kind of tree contributes incrementally to the important wider sense of greenery with built up areas.

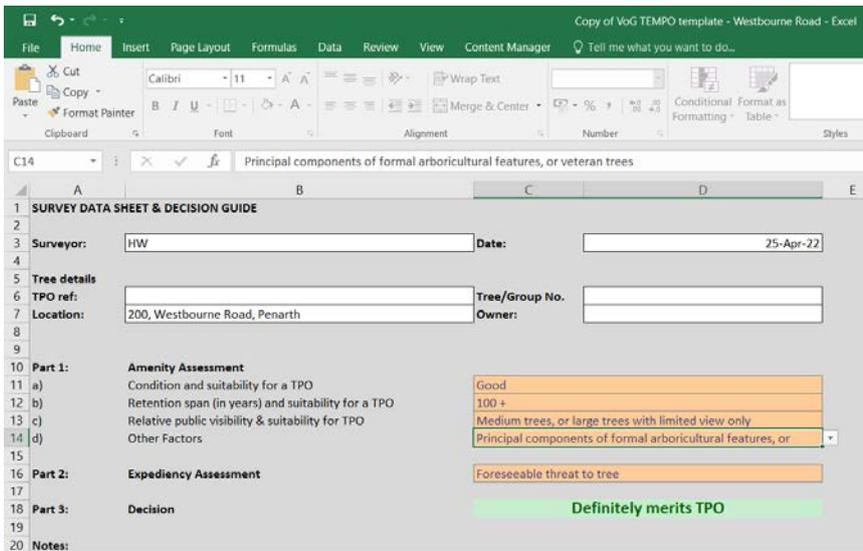
The threat to the tree is foreseeable as a significant part of it overhangs a neighbouring property (no. 202), and works to remove this part of the tree would cause significant damage and diminishment of the tree's value.

On the basis of the above, and using the TEMPO assessment method, it is considered that a Tree Preservation Order on the oak tree is at the least defensible, and if the tree is considered a veteran, such an order is definitely merited in this case.

TEMPO assessment (without the tree being considered as veteran):

SURVEY DATA SHEET & DECISION GUIDE			
3	Surveyor:	HW	Date: 25-Apr-22
6	TPO ref:		Tree/Group No.:
7	Location:	200, Westbourne Road, Penarth	Owner:
10	Part 1: Amenity Assessment		
11	a) Condition and suitability for a TPO	Good	
12	b) Retention span (in years) and suitability for a TPO	100+	
13	c) Relative public visibility & suitability for TPO	Medium trees, or large trees with limited view only	
14	d) Other Factors	Trees with none of the above additional redeeming features	
16	Part 2: Expediency Assessment		
17			Foreseeable threat to tree
18	Part 3: Decision		TPO defensible

TEMPO assessment (with the tree being considered as veteran):



In respect of the issues neighbours have raised that have not been addressed above, comments are given as follows.

As discussed above, the tree overhangs the rear garden of no. 202 Westbourne Road. It is also close to the boundaries of dwellings in Birch Lane behind no. 200. Due to its size, it is acknowledged that this will likely cause some overshadowing of neighbouring gardens. However, it is set back from the surrounding dwellings themselves and as an individual tree, it is not considered to result in an unreasonable level of such overshadowing to neighbouring dwellings nor be overbearing on neighbouring properties.

It is acknowledged that due to its location in a domestic garden, some works are likely to be required to the tree going forward to ensure its growth and condition are appropriately managed. However, an application can be made to carry out such works to a tree protected by a tree preservation order and the TPO would enable the Council to control the nature of these works.

It is considered the plotting of the tree within Schedule 1 of the Tree Preservation Order is sufficient to identify the tree to be protected.

The concerns raised are not considered to outweigh the amenity merits of the oak tree. As such, it is considered the Tree Preservation Order should be confirmed without modification.

REASON FOR RECOMMENDATION

The decision to recommend the confirmation of the Tree Preservation Order has been taken in accordance with Section 198 of the Town and Country Planning Act 1990 (as amended), which empowers the local planning authority to make provision for the preservation of trees or woodlands.

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

RECOMMENDATION

That the Council's Planning Committee resolve to confirm Tree Preservation Order No. 5 of 2022 on the oak tree in the rear garden of no. 200. Westbourne Road, Penarth without modification.

MARCUS GOLDSWORTHY

DIRECTOR OF PLACE

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **7 SEPTEMBER, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. ENFORCEMENT ACTION

a) LAND TO THE SOUTH EAST OF CAERAU ELY FOOTBALL CLUB, CWRT YR ALA ROAD.

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 change of use of agricultural/forestry land to leisure and the storage of miscellaneous materials and equipment. The principal issue is that using agricultural land in the countryside as a builder's yard or for domestic leisure purposes is considered contrary to policy, is an unacceptable encroachment on the countryside, has an unacceptable associated visual impact, and results in the loss of potentially high grade agricultural land.

The report recommends that an Enforcement Notice is issued requiring the removal of all materials, equipment, temporary structures (containers) and domestic items from the land and the cessation of the use of the site for storage and leisure purposes. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

Background and Site Description

1. A complaint was received by the Local Planning Authority on 18 August 2020, regarding activities on the land, including the transfer of miscellaneous waste materials and the siting of buildings, including a static caravan. The initial complaint also referred to a 2m high fence along the site frontage with gates opening on to Cwrt-Yr-Ala Road.
2. The site to which this complaint relates is a parcel of land in the countryside adjoining the Caerau Ely Football Club, Cwrt-Yr-Ala Road. The site is not within any settlement boundary, the nearest built-up area being Caerau in Western Cardiff. Apart from the football club, the surrounding land is predominantly agricultural, and the site is located within the Cwrt-Yr-Ala Basin Special Landscape Area (SLA).
3. The site is identified on the map overleaf in addition to a photograph of the land taken on 2 March 2022 and a later photograph taken on 17 August 2022.

The Plan



1:1,250

Site as of March 2022



Site as of August 2022







4. There is no previous planning history for the site, apart from a refused application for a new dwelling and outbuildings in 1985. Google aerial photography suggests that prior to around 2016, the site was covered by vegetation.
5. The caravan on the land was removed following initial contact with the site owner in 2020. However, the following site visit in March 2022 revealed that the fence, gates, miscellaneous materials, equipment, and storage containers remained. The current palisade fence and gates replaced a former fence constructed in corrugated metal sheets, which ran along the site frontage in 2012.

Previous Corrugated Metal Fence

Replacement Palisade Fence



6. There is a gap in the Street View imagery between 2012 and 2021 and, therefore, it is difficult to determine definitively when the fence was replaced with the current palisade enclosure. While the new fence is well over 1m high and runs adjacent to the highway, it would be immune from enforcement action if it has been in situ for at least 4 years. Due to a lack of evidence over the past decade, there is insufficient evidence at this time to determine whether this is the case. However, the palisade fence and gates have arguably improved the visual appearance of the site frontage as the former corrugated metal enclosure had fallen into disrepair and made the site appear

untidy from the road. Therefore, it is not considered that it would be expedient to pursue enforcement action requiring the removal of the fence and gates.

Aerial photo from 2017:



7. Available aerial photography shows the hardstanding on the land as far back as June 2018. Therefore, given that this is an engineering operation and was laid more than 4 years ago, it may also be immune from enforcement action.
8. Notwithstanding that some of the storage containers have been sited on the land for 4 years, they are not deemed operational development in this case. As such, it is considered that the containers must be incidental to the lawful use of the land, in order to be considered permitted development. Given that the containers are ancillary to the unauthorised use of the site for storage and leisure purposes, they have also been sited on the land in breach of planning control.
9. Aside from the above-mentioned breaches, the most recent site visit revealed that whilst the majority of stockpiled materials had been removed, garden furniture, including a slide, trampoline, ornaments and a table and chairs, have been sited on the land. This indicates the introduction of a leisure use to the site, which would also be considered an unauthorised material change of use of the land.

Details of the Breach

10. Following two site inspections, it was noted that the land was littered with various miscellaneous construction and other materials, equipment as well as

several temporary buildings / containers. Planning permission has not been granted to use the site for storage or for any other purpose associated with the storage or transfer of materials. Moreover, having viewed aerial photographs, the use of the site for this purpose appears to have commenced at some point between 2016 and 2018, and therefore enforcement action can be pursued as the unauthorised use commenced less than 10 years ago.

11. The most recent site visit revealed that the land also appears to be in some for of domestic/personal leisure use, given the siting of garden furniture as well as the partial landscaping of part of the site. This use is also unauthorised and as it has only recently commenced, enforcement action could be pursued in relation to its use.
12. Notwithstanding that the majority of stockpiled materials stored on the land had been removed ahead of the most recent site visit in August 2022, the containers are still present and they continue to give the site a semi-industrial and harmful appearance, given the largely rural surrounding context. Therefore, the site is still being used as a storage facility and should the containers remain, then the land could eventually benefit from a lawful storage use after 10 years. At that point, no action could be taken to prevent the landowner from importing additional materials and aggregates for future storage at the site.

Action Pursued to Date

13. Following receipt of the initial complaint on 20 August 2020, the complainant was asked to clarify the location of the site. On 27 August 2020, a site visit revealed a static caravan on site as well as piles of tipped stone, storage containers, trailers, and a palisade fence with gates over 2m in height along the site frontage.
14. During a telephone call with the landowner on 2 September 2020, he stated that the land was cleared, and gravel was laid. A static caravan was then sited on the land to use sporadically when working at the site, however, the landowner confirmed that the caravan was not lived in. He also advised that he intended to use part of the site as an allotment and that he stored left over materials and storage containers on the land resulting from his employment as a construction worker.
15. Following the telephone call, a letter was sent to the owner which identified the breaches of planning control as being the laying of a hardstanding over the site, the siting of a static caravan, the storage of building materials and equipment, as well as the erection of a palisade fence of over 2m high. The letter requested that within 28 days, either an application was submitted to regularise the development, or the breaches removed.
16. No further response from the owner was received and when contact was made on 18 February 2022, it was confirmed that the caravan had been removed, however, the stockpiles of building materials, storage containers and the fence remained. This was confirmed following a site visit on 2 March 2022.

17. A final letter was sent to the owner on 6 May 2022 which referred to the previous communications from the department and advised that all outstanding breaches of planning control should be removed. The letter stated that failure to remove the breaches within 28 days was likely to result in formal enforcement action being taken. No reply has been received to date.
18. Prior to writing this report, a final site inspection was made on 17 August 2022 which found that a large portion of the site is now used for leisure purposes. The siting of a children's slide, trampoline, an outdoor table and chair set, as well as raised plant beds and garden ornaments indicates that the land is now also used for domestic leisure purposes, as if it formed part of the residential curtilage of a dwellinghouse. Wooden fence panels have also been fitted to part of the palisade fence and some additional temporary cabins / containers have been sited on the land without consent. Although attempts have been made to contact the owner, no response has been received.

Planning History

19. The site benefits from the following planning history:

1985/00428/OUT: Proposal: Proposed dwelling and outbuildings on site of former lodge, Decision: Refused, Decision Date: 10/05/1985.

Reasons for refusal at the time: -

- In order to preserve the countryside, the LPA considered that no additional development shall take place there other than is necessary for agriculture or forestry.
- There is no justification on agricultural grounds for a departure from the policy of the LPA as expressed in reason 1, above.
- It is not the intention of the LPA to permit the erection of new dwellings outside the confines of existing communities since this form of development leads to the despoliation of the countryside.
- The application site, by virtue of its location within the approved safeguarding zone around Wenvoe Quarry is unsuitable for the development proposed and would conflict with the minerals policies of the county structure plan and the local plan for the Wenvoe/St. Andrews.

There is no other planning history for this site.

Policy

Local Development Plan:

20. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY

POLICY SP10 – BUILT AND NATURAL ENVIRONMENT

Managing Growth Policies:
POLICY MG17 – SPECIAL LANDSCAPE AREAS

Managing Development Policies:
POLICY MD1 - LOCATION OF NEW DEVELOPMENT
POLICY MD2 - DESIGN OF NEW DEVELOPMENT
POLICY MD7 - ENVIRONMENTAL PROTECTION
POLICY MD9 – PROMOTING BIODIVERSITY

Planning Policy Wales:

21. 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 application:

Chapter 3 - Strategic and Spatial Choices

- Placemaking in Rural Areas
- 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 Best and Most Versatile Agricultural Land
 - Development in the Countryside (including new housing)
- 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)

Technical Advice Notes:

22. 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)

Supplementary Planning Guidance:

23. 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
- Design in the Landscape

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:

24. 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

25. The principal issue to consider when identifying whether it is expedient or not to serve a planning enforcement notice in this case include the impact the use of the land for domestic leisure purposes and as a storage and transfer facility for construction or other miscellaneous materials is having on the countryside. This includes considering the principle of the use and visual impact on the site vicinity and wider Cwrt-Yr-Ala Basin Special Landscape Area (SLA). The impact on biodiversity will also be considered as well as the loss of versatile agricultural land and land contamination.

PRINCIPLE OF DEVELOPMENT & VISUAL IMPACT

26. Criterion 1 of Policy MD1 (Location of New Development) of the Vale of Glamorgan Adopted LDP 2011-2026 is paramount in assessing whether it would be expedient to take enforcement action. This relates to the location of new development, and states that *“new development on unallocated sites should have no unacceptable impact on the countryside.”* This policy seeks to emphasise the importance of protecting the countryside from unacceptable and unjustified new development.
27. Paragraph 3.38 of PPW (Edition 11) recognises that *“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.”* In addition, paragraph 3.60 highlights that *“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.”*
28. There is no justification provided in this case for using the parcel of land to the side of Caerau Ely Football Club as a yard for the storage of miscellaneous materials and equipment. Nor is there any evident justification to use this land for domestic leisure purposes. The land was formerly covered by grass and shrubbery and is located in the countryside, just within the Cwrt-Yr-Ala Basin SLA. The site is highly visible from Cwrt-Yr-Ala Road to the front and the presence of stockpiles of materials, various equipment and domestic garden furniture has materially and harmfully altered the character of the site from what was formerly a green and undeveloped site, to what is now industrial / domestic in character and at odds with the rural setting. It is accepted that the site lies adjacent to a football pitch and there are enclosures in the vicinity which are not typical of a rural location. Nevertheless, the site’s context remains substantially rural in character and the uses taking place are considered to be visually insensitive in that context.
29. In terms of storage, it is noted that the stockpiled aggregates and construction materials had mostly been removed ahead of the most recent site visit in August 2022. However, while the removal of these materials has partially improved the visual amenity of the site, the containers remain in situ. It is considered that unless these containers are removed from the land, then the site is likely to benefit from a lawful storage use in time, as the change of use becomes immune from any enforcement action after 10 consecutive years. Consequently, unless control is exerted over the use of the site at this point, then it would not be possible to take any action in future, to prevent the landowner from importing materials once again, which would ultimately re-introduce the harmful visual and uncontrolled environmental impacts. Given the ad hoc nature of storage that has taken place over the last few years, it is considered very likely that such a lawful use of the site is likely to lead to uncontrolled and random storage of items within and outside/around the containers, which would be increasingly harmful to its appearance and the character of the wider area.

30. Criterion 1 of Policy MD2 (Design of new Development) requires new development to positively contribute towards the context and character of the surrounding natural environment and protect existing features of landscape interest. While authorisation for action is not being sought against the palisade fence or hardstanding (as they have been present for more than 4 years) the stockpiles of materials, miscellaneous equipment, storage containers and domestic garden furniture on the site have a detrimental impact on the visual amenity and rural character of the countryside, especially considering the site is visible from the highway, which also serves as a public right of way.
31. The unauthorised use is also having a harmful impact on the landscape character, contrary to Policy MG17 – Special Landscape Areas. In the sub-text for Policy MG17 it states that “*special Landscape Areas (SLA) have been designated to protect areas of the Vale of Glamorgan that are considered to be important for their geological, natural, visual, historic, or cultural significance.*” Therefore, using a highly visible site, albeit on the edge of the SLA, to store and process materials and/or use for domestic leisure purposes is certainly not consistent with the policy aim to safeguard the visual and natural significance of the land.
32. The Council’s Design in the Landscape SPG highlights that in a sensitive location such as a special landscape area, planning applications for new developments will need to be supported by additional information used to assess the impact on the landscape. This may have included the submission of a Landscape Visual Impact Appraisal (LVIA) considering the use of the site and its location in the SLA. However, no such details have been considered in this case and while the site is located beside the football club, it remains that the use of the site as an open yard to store and process construction and various other materials contravenes the wider landscape character of the area, contrary to Policy MG17 of the LDP and the Design in the Landscape SPG. The same applies to domesticating the land by placing garden furniture across the site, which has materially altered the agrarian character of the land and the wider rural setting.

BEST & MOST VERSITILE AGRICULTURAL LAND

33. It is also worth noting that the site is indicated as being grade 3a agricultural land, which is good to moderate in terms of quality. Chapter 3.58 of Planning Policy Wales (PPW) Edition 11 highlights that grade 3a agricultural land is a finite resource and should be conserved. PPW states that such land should only be developed if there is an overriding need for the development, which is not the case in this instance.
34. While the hardstanding may be immune from any enforcement action, it is considered that if the unauthorised use of the land ceases, it could then either be removed or used for a purpose incidental to agriculture.

BIODIVERSITY

Policy MD9 (Promoting Biodiversity) of the LDP requires new development to conserve and, where appropriate, enhance biodiversity. This is supported by the Council's SPG on Biodiversity and Development and the recently updated PPW. It is not known whether the site has any identified biodiversity interest. However, it is not unreasonable to conclude that the removal of vegetation from the site and the laying of the hardstanding to enable the authorised use of the land will have failed to preserve or enhance any of the biodiversity present on the site. However, as this relates to an engineering operation that may now be immune from any enforcement action, this is not a fundamental consideration in the expediency assessment of whether to require the unauthorised use of the land to cease.

LAND CONTAMINATION

35. One of the criteria raised by Policy MD7 of the LDP states that development proposals should not have an unacceptable impact on the natural environment from land contamination and the pollution of land. This includes the importation of contaminated materials and hazardous substances, which could include construction or other unidentified materials. On the first and second site visits, there were stockpiles of materials stored on the land. While these have since been removed, the continued and future use of the site for the storage and processing of such materials may contaminate the land and pose a risk to health and biodiversity.
36. Planning applications for such uses are often approved subject to conditions that any imported aggregates are assessed for chemical or other potential contaminants, in accordance with a scheme of investigation submitted to and approved in writing by the Local Planning Authority in advance of its importation. The sampling of materials to verify it is free from contamination is also usually conditioned and, as such, there is no way of knowing in this case whether the imported materials have contained any harmful contaminants. Therefore, it is considered that in order to safeguard health and the natural environment, the uncontrolled use of the site for the storage and processing of building and other miscellaneous materials should cease.

Conclusions

37. The use of the site for leisure purposes and/or as a yard to store various building and miscellaneous materials is an unacceptable and unjustifiable encroachment on the countryside and is considered to contravene the aims of Policies MD1 and MD2 of the Vale of Glamorgan Local Development Plan. The use is also having an unacceptable impact on the landscape character of the wider SLA, contrary to Policy MG17 and the uncontrolled importation of aggregates and materials on the land is contrary to the aims of Policy MD7.
38. In view of the issues identified, it is considered expedient to pursue action to require the use of the site for domestic leisure purposes and as a yard to store and process building and other miscellaneous materials and equipment to cease. All temporary structures and items associated with the unauthorised uses must also be removed from the land as well as the wooden fence panels affixed to the palisade fence along the site frontage.

39. 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)

40. 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)

41. 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).
42. 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)

43. 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 site for the depositing, storage and any processing of construction and miscellaneous materials.
 - (ii) The cessation of the use of the site for all domestic and leisure purposes.
 - (iii) The removal of all containers / buildings, equipment, materials and other miscellaneous items from the land that are used in association with the unauthorised uses identified above in steps (i) and (ii).
 - (iv) The removal of the wooden fence panels affixed to the palisade fencing.
- (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 material change of use of the land has occurred within the last 10 years.

- (2) The use of the agricultural/forestry land for domestic leisure purposes and as a storage and transfer facility for construction and/or miscellaneous other materials and equipment is an unacceptable and unjustifiable development that fails to respond appropriately to the countryside and special landscape area setting and the activities are considered to be incongruous in the rural setting. By virtue of the encroachment on the countryside and the unacceptable visual impact the use has on the countryside, the development is contrary to the aims of Policies SP1 – Delivering the Strategy, MG17 – Special Landscape Areas, MD1 – Location of New Development, MD2 – Design of New Development, and MD7 – Environmental Protection of the Vale of Glamorgan Adopted Local Development Plan 2011 – 2026 as well as the Council's Supplementary Planning Guidance on Design in the Landscape and Chapter 3 - Strategic and Spatial Choices, of 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/2020/0286/PC

Contact Officer - Mr. Marc Stephens, Tel: 01446 704

Officers Consulted:

All relevant Chief Officers have been consulted on the contents of this report.

MARCUS GOLDSWORTHY
DIRECTOR OF PLACE

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **7 SEPTEMBER, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. ENFORCEMENT ACTION

b) THE OLD CHAPEL, THE RHIW, GRAIG PENLLYN, COWBRIDGE, CF71 7RS

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 trellis fencing that has been erected along the southern boundary of the property.

The report recommends that an Enforcement Notice is issued requiring the removal of the trellis fencing and supportive posts and the repairing and making good of any damage caused to the wall with a material to match the colour and texture of the wall. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

Background and Site Description

1. Trellis fencing exceeding one metre in height adjacent to a vehicular highway has been erected along much of the southern boundary of The Old Chapel in Graig Penllyn.
2. The property is a detached dwelling set within the settlement boundary of Graig Penllyn and the Upper and Lower Thaw Valley Special Landscape Area. A double garage sits in the south-eastern corner of the plot, with an associated vehicular access onto the adjacent lane. The property benefits from a stone wall along its western and southern boundary onto which a trellis fence has been attached. The property is marked red, and the location of the trellis fence is marked blue on the plan below.



3. The surrounding area is predominantly made up of detached dwellings set within spacious plots. Low lying stone walls with planting atop are typical boundary treatments that front the highway and public realm in the immediate locality. One exception to this is the public house opposite that has a courtyard enclosed by a low-lying brick wall with close board fencing inserts.

Details of the Breach

4. Trellis fencing and its supportive posts have been attached to the outside face of the south-western stone boundary wall as shown in the photos below.





The photograph below shows the site prior to the erection of the trellis:



5. The Town and Country Planning (General Permitted Development) Order 1995 as amended permits means of enclosures to be erected to a height of one metre when adjacent to a vehicular highway without the need to obtain planning permission from the Local Authority. A means of enclosure is to be measured from the ground level it has been erected on; in this instance, the height of the trellis fence is to be taken from the adjoining highway land and will be inclusive of the height of the stone wall.
6. The height of the fencing, inclusive of the height of the wall exceeds one meter. Planning permission has not been sought or granted for the installation of the trellis fencing and it therefore constitutes a breach of planning control and is unauthorised.
7. The length of the boundary where the trellis fence is located is adjacent to a vehicular lane and a junction where the lane and two other roads meet.

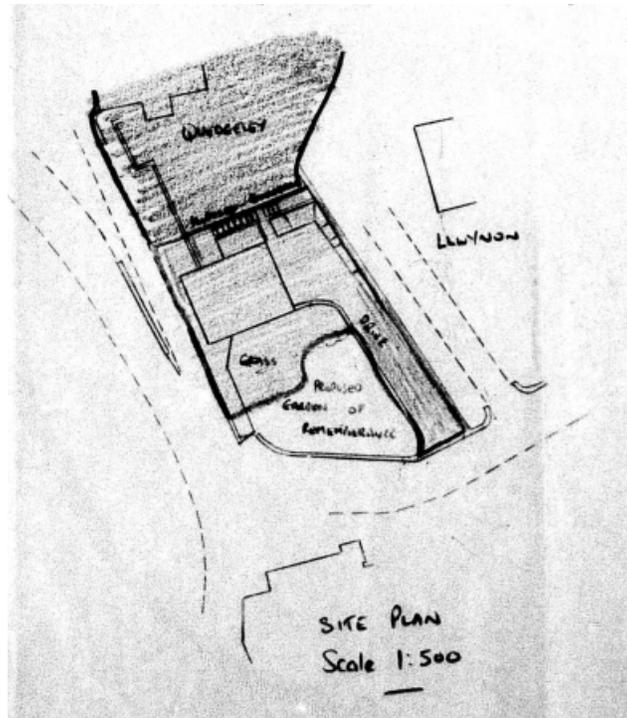
Action Pursued to Date

8. Site visits have been undertaken to assess development. The owner has been contacted to advise the erection of the fencing constitutes a breach of planning control. It has been requested that the fencing is removed or a retrospective planning application submitted. No action has been forthcoming and the owner has been contacted to advise that the fence is considered unacceptable by officers in planning terms.

Planning History

9. 1984/00075/FUL, Address: Old Chapel, Craig Penllyn, Cowbridge, Proposal: Conversion to residential use within shell of existing building, Decision: Approved

At the time the above planning application was approved, it was confirmed that the curtilage of the proposed 2-bedroom dwelling would include part of the adjoining memorial ground. This is shown in the triangular section of the plan below as 'proposed garden of remembrance' and is the area which has now been enclosed by trellis fencing.



It appears from the planning history and aerial and street view images of the site that a dense conifer hedge was previously planted at the site to separate the area which was intended to be used as a private amenity area from the memorial ground. Therefore, although this area appears to have been included as part of the garden associated with the Old Chapel for a number of years, it has not previously been enclosed and has been defined by the existing low stone wall along the boundary that is characteristic of other boundary treatments in the area.

Planning Legislation

10. 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

11. 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:

12. 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 plan identifies the site as being within the settlement boundary of Graig Penllyn. Applicable policies include:

Strategic Policies

POLICY SP10 – BUILT AND NATURAL ENVIRONMENT states development must preserve and where appropriate enhance the rich and diverse built environment and heritage, including Special Landscape Areas.

Managing Growth Policies:

POLICY MG17 – SPECIAL LANDSCAPE AREAS states development will be permitted where it is demonstrated that it would cause no unacceptable harm to the important landscape character of the area.

Managing Development Policies:

POLICY MD2 – DESIGN OF NEW DEVELOPMENT states development should be of a high standard design that positively contributes to the context of the surrounding built environment and protects existing features of townscape interest. It also states development should safeguard existing public and residential amenity. It further states development should have no unacceptable impact on highway safety.

POLICY MD5 – DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES states development within the identified settlements should be of a form and character that are sympathetic to and respects its immediate setting and does not unacceptably impact upon the character and appearance of the locality.

Designation of Special Landscape Areas – Background Paper 2013:

13. The paper outlines a number of key policy and management issues, one of which is the need to improve development to ensure rural detailing and character are maintained.

Future Wales: The National Plan 2040:

14. 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:

15. National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the matters considered in this report.
16. 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.
17. The following chapters and sections are of particular relevance in the assessment of this planning application:

18. Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

Section 3.9 states ‘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’.

19. 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’.

Technical Advice Notes:

20. 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)

Supplementary Planning Guidance:

21. 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:

22. 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:

23. 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

24. Boundaries fronting the highway in the immediate area are predominantly characterised by low lying stone walls with planting atop. As detailed above, at the time the Old Chapel was converted, it was intended for this area to continue to be defined by the low stone wall which defined the curtilage of the property. The trellis is particularly prominent in the street scene and has a stark and visually incongruous appearance. It has an appearance which is discordant and alien in the context of the surrounding built environment and consequently it is considered to detract from the open aspect of the site and character of the surrounding area. The height and prominent positioning of the trellis, in combination with the design and appearance, is considered to be harmful to the character of the immediate built environment. Furthermore, the nature in which the fencing has been bolted to the external face of the existing stone wall represents poor quality design and is detrimental to the visual amenities of this very prominent part of the village.

25. Furthermore, due to the location and height of the fencing, it obscures views of drivers egressing from the garage. Vehicles egressing from the garage in both a forward and reverse gear would need to edge out into the highway to obtain adequate lines of sight prior to driving away. The trellis fencing also obscures views of drivers using the surrounding highway network, namely those flowing in a southerly direction and turning eastwards at the junction. With no designated pedestrian walkway, the fencing obscures views of pedestrians walking along the road immediately adjacent the fencing. The above results in an increased likelihood of conflict with other road users and is considered to be detrimental to highway safety.
26. For the reasons noted above, the development is contrary to Policies SP10, MG17, MD2 and MD5 of the LDP.

Conclusions

27. The trellis fencing constitutes a breach of planning control due to its height exceeding one metre adjacent to a vehicular highway. The fence is of a visually insensitive design and is detrimental to the character of the immediate built environment and visual amenity of the area. Furthermore, the fence restricts the visibility of vehicles using the adjacent vehicular highway and those egressing from the garage resulting in an increased chance of conflict between road users and/or pedestrians, to the detriment of highway safety. The development is therefore contrary to Policies SP10, MG17, MD2 and MD5 of the LDP.
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:

- (i) Remove any part of the trellis fencing including its supportive posts that is above one metre in height above ground level.
 - (ii) Repair and make good any damage to the boundary wall as a result of step (i) above with a suitable material to match the colour and texture of the existing wall.
- (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 erection of a trellis fence has occurred within the last 4 years.
- (2) The trellis fencing due to its height, design and prominent positioning represents an visually harmful and insensitive form of development that is detrimental to the character of the area, contrary to Policies SP10, MG17, MD2 and MD5.
- (3) The location and height of the fencing obscures views of drivers using the immediate highway network as well as those egressing from the garage. This coupled with the highway network not benefitting from a pedestrianised walkway results in an increased chance of conflict between road users and/or pedestrians, which is detrimental to highway safety contrary to Policy MD2.
- (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/2021/0132/PC

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

Officers Consulted:

All relevant Chief Officers have been consulted on the contents of this report.

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **7 SEPTEMBER, 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.

2021/01405/FUL Received on 22 September 2021

APPLICANT: Mr Michael Murphy c/o Agent

AGENT: Mr Jeremy Peter 21, Britten Road, Penarth, CF64 3QJ

Sefton Quarry (former Scrapyard), Penmark, Rhose

Change of use of land for the siting of storage containers

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is recommended for refusal, with a dual recommendation for enforcement action. The enforcement action is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

The application site is located on the site of the historic Sefton Quarry, nr. Penmark. It equates to approx. 0.15. ha area within a wider parcel of approx. 0.6.ha. The site is within the Nant Llancarfan Special Landscape Area (SLA), is identified as a Site of Importance for Nature Conservation (SINC).

This is a retrospective planning application for the retention of the change of use of the site for siting storage containers. The extent of works has included site clearance, deposit of hardcore/ rubble to provide a hard surface, and the siting of 19 storage (shipping) containers and a portacabin on the site. The containers are used for storage by a household clearance company.

14.no representations have been received and the principal reason for objections relate to traffic, highway and pedestrian safety concerns, security, pollution, contamination, flood risk, visual impact, and harm to ecology and biodiversity.

The principal matters considered in this report relate to the principle of the development and location, character of the countryside, highway safety, ecology and biodiversity, and the environmental impacts, including upon neighbouring amenity.

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

SITE AND CONTEXT

The application site is approx. 0.15 ha of land located on the site of the historic Sefton Quarry, nr. Penmark. No extraction or quarrying activity has likely taken place here for decades and the site is understood to have been last actively used for the unauthorised deposit of waste. This followed a period of use as a scrapyard c. the 1980's to early 90's, albeit the lawfulness of the scrapyard use was never established (1993/00453/LAW refers) and has long ceased.

There appears to have been no meaningful activity on the site thereafter, until 2021, when part of it was cleared and storage containers were moved on to the site. The aerial photograph below shows the condition of the site prior to its clearance.



The site location (edged red) is shown on the plan extract below:



The land edged red is open to the wider land parcel (edged blue) and defined only by the presence of a bund. The wider site is approx. 0.6ha in size.

The site is within the Nant Llancarfan Special Landscape Area (SLA) and has been locally designated as a Site of Importance for Nature Conservation (SINC) (Land South of Penmark, No. 322) for its potential as invertebrate/ reptile habitat. The site is also within a Category 2 Limestone Mineral Safeguarding Area. There is a public footpath to the west of the site, which is also part of the promoted Millennium Heritage Trail and Vale of Glamorgan circular walks.

DESCRIPTION OF DEVELOPMENT

This is a retrospective planning application for the retention of the change of use of the site for siting storage containers. The extent of works has included site clearance, deposit of hardcore/ rubble to provide a hard surface, and the siting of 19 storage (shipping) containers and a portacabin on the site. There is no layout plan provided, however the arrangement of the containers and cabin can be seen in the aerial photograph below, as well as the associated site photographs.



The precise nature of the use has been subsequently expanded upon by the agent as being to store items recovered from house clearances, with any waste items taken direct to registered waste sites. However, as well as storage of furniture, electrical and other possibly reusable items, the observations of Officers include on-site sorting and storage of other items such as plastics, wood, some rubble and building materials, as well as items such as vehicles, caravans, trailers, a telephone kiosk, and a boat.

There has also been rubble deposited in areas outside (southwest) of the site edged red on the location plan. It appears to have been laid out to provide a level surface and, beyond this, there is no evidence of systematic waste disposal occurring at the site.

PLANNING HISTORY

1988/01088/OUT, Address: Sefton Quarry, Penmark, Proposal: Executive Housing Development, Decision: Refused

1989/00538/OUT, Address: Sefton Quarry, Penmark, Proposal: Executive Housing Development, Decision: Refused

1990/01080/OUT, Address: Sefton Quarry, Penmark, Proposal: Executive housing development 5 no., Decision: Refused

1993/00453/LAW, Address: Sefton Quarry, Penmark, Proposal: Continuation of established use, Decision: Refused

1998/00437/FUL, Address: Sefton Quarry, Penmark, Proposal: Four bedroom traditional two storey stone built country cottage with double garage, Decision: Refused

1999/00809/FUL, Address: Sefton Quarry, Penmark, Proposal: Erection of a cottage and domestic garage, Decision: Refused

CONSULTATIONS

(VoGC) Highway Development made a holding objection, stating it was not clear how many and how often vehicles would access the site, the lane leading to the site is narrow and cannot accommodate two-way vehicular movement, the access arrangement for the proposed site is not suitable for large vehicles, and that they had concerns regarding the intensification of vehicular movements along this rural lane.

Visibility splays in both directions along the adjacent highway and track runs were requested to evidence that a large vehicle could enter the site and leave in forward gear. It was also stated that the access (gate) be set back by a minimum distance of 10m from the highway boundary, and open inwards.

VoGC Councils Drainage Section - no response received to date.

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

Gwent Glamorgan Archaeological Trust stated no objection.

VoGC Ecology Officer stated that whilst several habitats such as hedgerow, woodland, scrub, and unimproved grassland are in the SINC citation, the continued scrubbing over of the site since 2009 suggested it would be rendered as not qualifying as a SINC unless there were a population of slow worm, or another priority species found. They also stated it was impossible to approve a biodiversity improvement without knowing what was there, but suggested hibernacula for hedgehog, slow worm, and reptiles, if a survey was unlikely to happen.

Shared Regulatory Services (Environment) stated that the site is identified as former scrapyards and landfill and recommended conditions relating to unforeseen contamination and landfill gas protection.

Rhose Ward Councillors – no comments have been received in a formal capacity, however Cllr S Campbell & Cllr W Hennessy have passed on concerns of residents and sought updates on behalf of the local community.

REPRESENTATIONS

The neighbouring properties were consulted on 12 October 2021.

A site notice was also displayed on 21 October 2021.

14.no representations have been received and of these 13.no objected to the proposals, with the other commenting that any approval should place a limit on the number of containers allowed on the site. The grounds of objection are summarised below:

- Development inaccurately described
- Burning of materials on site
- Excavation works have taken place
- Development could intensify if approved
- No pre-application consultation
- There is no lawful fallback use as a quarry/ scrapyard
- The site is believed to be contaminated following previous tipping
- Pollution to local waterways
- Surface water flooding
- No foul drainage provisions
- Detriment to highway and pedestrian safety
- Traffic congestion
- Site security concerns
- Detrimental visual impact and to the character of the countryside
- Noise, air pollution and disturbance to neighbours
- Site is not in a sustainable location
- Harm to ecological and biodiversity interests

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 SP8 – Sustainable Waste Management
POLICY SP9 – Minerals
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG17 – Special Landscape Areas
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

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 MD14 - New Employment Proposals
POLICY MD20 - Assessment of Waste Management Proposals

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

Future Wales: The National Plan 2040:

Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process. 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.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales’ regional policies have been taken into account.

Policy 1 – Where Wales will grow

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

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

Policy 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.

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,

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
- Development in the Countryside
- Supporting Infrastructure

Paragraph 3.55 provides the following advice in relation to previously developed land:

3.55 “Previously developed (also referred to as brownfield) land (see definition overleaf) should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development. This may be, for example, because of its unsustainable location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated.”

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

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

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

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

Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

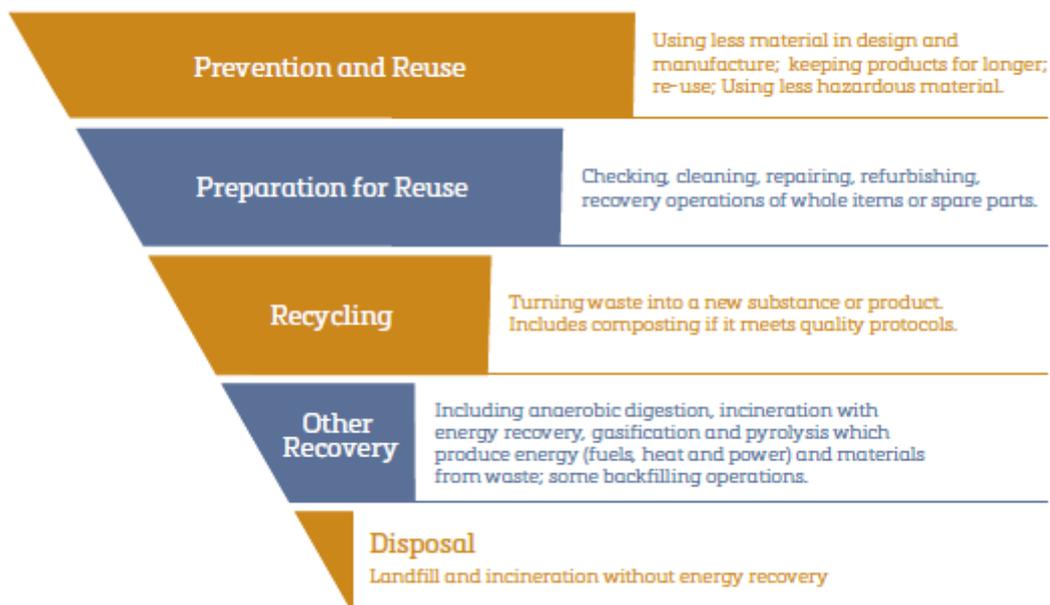
In delivering productive and enterprising places, the importance of implementing the proximity principle for waste, minerals and district scale energy to minimise the need for road transport and its impacts and additional pressure on energy networks is emphasised.

Section 5.11 highlights the environmental, social, and economic benefits of sustainable resource management in respect of waste, including making best use of resources and promoting the circular economy.

It is stated at paragraph 5.13.4:

5.13.4 *“The Welsh Government’s policy for waste management is contained in Towards Zero Waste and associated sector plans. Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy (see Figure 11) as far as possible.”*

Figure 11: Waste Hierarchy



Paragraph 5.13.11 & 5.13.12 go on to state:

5.13.11 *“The ‘Nearest Appropriate Installation’ concept and the principle of self-sufficiency will only be applicable in relation to wastes covered by Article 16 of the revised Waste Framework Directive and should guide the provision of an integrated and adequate network for the treatment of such wastes. The network should include all necessary supporting facilities such as waste transfer stations and processing facilities.”*

5.13.12 *“For all wastes, suitable locations for sustainable waste management development should be identified in development plans as well as criteria by which applications for such developments will be determined, recognising that the most appropriate locations will be those with the least adverse impact on the local population and the environment and with the best potential to contribute to a broad infrastructure framework...”*

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 advice is provided in relation to non-statutory sites designated for nature conservation, including SINC:

6.4.20 *“Although non-statutory designations carry less weight than statutory designations, they can make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given adequate protection in development plans and the development management process. Before authorising development likely to damage a local wildlife designation, planning authorities should give notice of the proposed operation to the County Ecologist and third sector environmental organisations. Where a Green Infrastructure Assessment has identified that certain features or characteristics of the site need to be conserved or enhanced, planning authorities should state in their development plans what features or characteristics require this extra protection and why, and explain how the policies will achieve this protection. Assessments should similarly consider the presence of protected and priority species including those on the Section 7 list and appropriate weight attached to their protection. Policies for non-statutory sites should make it clear that such designations do not preclude appropriate developments, where there are no adverse impacts on the features for which a site is designated.”*

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)

5.5.3 *“The conservation and enhancement of locally designated sites is an important contribution to the implementation of Biodiversity Action Plans and to the management of features of the landscape of major importance for wild flora and fauna (see paragraph 3.2.2 above). Developers should avoid harm to those interests where possible. Where harm is unavoidable it should be minimised by mitigation measures and offset as far as*

possible by compensation measures designed to ensure there is no reduction in the overall nature conservation value of the area or feature. Where locally designated sites may be affected, developers should consult the local planning authority and Wildlife Trust and/or Local Record Centre to agree the information that will be required to assess the implications of the development and mitigation and compensatory measures.”

- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 12 – Design (2016)

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

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

4.8 “Appraising “character” involves attention to topography; historic street patterns, archaeological features, waterways, hierarchy of development and spaces, prevalent materials in buildings or floorscape, architecture and historic quality, landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements).”

5.5 “The way in which development relates to its urban or rural landscape or seascape context is critical to its success. Because of this, an understanding of landscape quality, including its historic character is fundamental to the design process.’

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

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

- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 21 – Waste (2014)

TAN 21 is of relevance to this development. It reinforces the PPW approach towards ‘zero waste’ and the ‘circular economy’ and includes the concept of the Waste Hierarchy – as shown by the diagram at Figure 11 (above) of Planning Policy Wales (Ed.11 2021).

TAN 21 sets the framework for facilitating the delivery of sustainable waste management infrastructure through the planning process. Paragraph 1.10 of TAN 21 explains:

1.10: "Sustainable development is a key functioning principle of the Welsh Government and its policies. The movement towards sustainability in relation to planning for waste should be guided first by the wider principles of sustainability contained in Planning Policy Wales, however, with specific reference to waste management land use planning should help to:

- Drive the management of waste up the waste hierarchy and facilitate the provision of an adequate network of appropriate facilities;*
- Minimise the impact of waste management on the environment (natural and man-made) and human health through the appropriate location and type of facilities;*
- Recognise and support the economic and social benefits that can be realised from the management of waste as a resource within Wales."*

Paragraph 3.27 relates to the location of waste facilities and states:

3.27: "New sites might be located, if appropriate, within or adjacent to:

- industrial areas, especially those containing heavy or specialised industrial uses;*
- active or worked out quarries - landfill is commonly used in quarry restoration but there may be opportunities for other types of waste management facilities at some quarried sites. It should be noted that quarry depth and the nature of the local water table will affect the feasibility of using such sites;*
- degraded, contaminated or derelict land - well-located, planned, designed and operated waste management facilities may provide good opportunities for remediating and enhancing sites which are damaged or otherwise of poor quality, or bringing derelict or degraded land back into productive use;*
- existing or redundant sites or buildings - which could be used, or adapted, to house materials recycling facilities, or composting operations;*
- sites previously or currently occupied by other types of waste management facilities;*
- sites where the nature of existing and proposed neighbouring land uses facilitates the location of waste management infrastructure and there are opportunities for co-locating waste management/resource recovery/reprocessing/re-manufacturing facilities to form environmental technology clusters;*
- on farms where the output will be used on the farm.*

And/or where:-

- site infrastructure (including electricity grid connections for energy from waste facilities) is present;*
- there are existing or proposed transport infrastructure links – including opportunities for integrated multi-modal road, train, canal and sea connections;*
- there is a need for sites for smaller-scale community based reuse and recycling activities;*
- there are existing planning permissions/environmental permits;*

- *the cumulative effect of waste management facilities and other development on sensitive environmental receptors is acceptable;*
- *the cumulative effect of waste management facilities and other development on the wellbeing of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential is acceptable.*
- Technical Advice Note 23 – Economic Development (2014)

Welsh National Marine Plan:

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

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)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Parking Standards (2019)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.
- Towards Zero Waste – One Wales: One Planet. The Overarching Waste Strategy Document for Wales (June 2010)
- The Collections, Infrastructure and Markets (CIM) Sector Plan (July 2012)
- South East Wales Regional Waste Plan (March 2004)
- Review of the South East Regional Waste Plan (September 2008)
- Waste Framework Directive 2008/98/EC (as amended)

Well-being of Future Generations (Wales) Act 2015

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

Issues

Background / procedural note

The site planning history and nature of the development are described in detail within the site context and description of development sections of this report. The application is described as for the siting of storage containers, and whilst this only implies a land use for storage, the planning statement describes them being used to "*store household items by a household removal company based in Barry.*" It is commonly understood that permission is being sought to retain the unauthorised use currently taking place.

The applicant's agent has contended the use should not be considered as waste development, as items to be discarded as waste are taken directly to registered disposal sites, with only items to be sold on or reclaimed by relatives being stored on the site. TAN21 defines waste as "*any substance or object which the holder discards or intends or is required to discard*" (taken from Article 3(1) of the Waste Framework Directive). There is no evidence of the site being used for systematic disposal of waste. However, the definition of waste material clearly refers to disposal as per the position of the holder, and not the recipient. It also includes items that retain core value, such as scrap metals, as well as items that require recycling, repair, or reprocessing. Reusable items (second hand goods) would not typically be considered waste, however, when collected with waste material, the whole mixture will typically form waste.

It is understood the company hold a waste carriers' licence and undertake general house clearances. It is considered very unlikely that the extent of processing or testing required to sort the whole collection (to exclude all waste items as defined above), is reasonably and economically possible. Moreover, as well as storage of furniture, electrical and other theoretically reusable items, the observations of Officers include on-site sorting and storage of other items such as plastics, wood, some rubble and building materials, as well as items such as vehicles, caravans, trailers, and a boat.

It is therefore considered that the development falls under the definition of waste development (*sui generis*) and should be considered under the waste guidance and associated policies of the LDP, however, as this interpretation is not agreed by the applicant commentary on the principle of a storage use (class B8) is also provided below for context. Waste development typically requires pre-application consultations to be undertaken by the applicant, however, this requirement is not applicable to retrospective development. The application itself is therefore considered valid, as submitted.

Principle of the development

At national level, Planning Policy Wales (PPW), TAN 21- Waste and documents such as 'Towards Zero Waste' set out the Welsh Government waste strategy and policy framework, which is geared toward reducing the amount of waste being taken to landfill, through means such as waste prevention, reuse, recycling, and energy recovery. The guidance and context provided by Planning Policy Wales in this area is detailed within the Planning Policies and Guidance section above. Facilities which support reuse, recycling, or recovery of items otherwise destined for landfill are typically favoured in principle, subject to being appropriately sustainably located and compliant with the terms of Policy SP8 (Sustainable Waste Management) and MD20 (Assessment of Waste Management Proposals).

Policy SP8 permits waste management facilities on some existing B2/B8 employment sites, operational mineral sites, or on farm complexes where they do not conflict with existing or proposed neighbouring uses. The application site is neither of those things, being a historic quarry with no known mineral reserves and where its subsequent use as a scrapyards ceased approx. 20 years ago following unauthorised tipping activity. There is no known lawful use or fallback position and, while waste material may remain on site, it had been left to naturally regenerate until its part clearance and occupation by the removal company in 2021. Whilst the PPW definition of 'previously developed' (brownfield) land includes former quarry sites without planned restoration schemes (as this appears to be), it excludes sites which have been left to regenerate and sites of nature conservation value. This land has been identified as a Site of Importance for Nature Conservation (SINC) and so does not fall within the PPW definition of being 'previously developed'. The site is therefore not in a location favoured for waste development under Policy SP8 of the LDP, or under paragraph 3.27 of TAN21.

Policy MD20 sets out the detailed assessment criteria for waste development, which (among other criteria) require the application be supported by a Waste Planning Assessment (WPA, criterion 1) and the proposal has regard to the waste hierarchy, proximity principle and the requirements of the waste framework directive (criterion 2). Policy MD1 (Location of New Development) also requires that new development have no unacceptable impact on the countryside; reinforce the role and function of settlements as key providers of commercial facilities; have access to or promote the use of sustainable modes of transport.

There is no WPA provided, but the removal company is understood to be based in Barry area, provide services in the wider region, and have moved to this site from Barry following the loss of their previous premises. However, the detailed operations are not known, compliance with criterion 1 of Policy MD20 has not been achieved, and compliance with criterion 2 has not been demonstrated. The proximity principle seeks to ensure that waste facilities are in the communities they serve, to improve efficiency and reduce the detrimental environmental impacts associated with waste transportation.

The applicant's agent has contended the site is sustainably located, noting sustainability must be considered in context of the use and site circumstances, and that it intrinsically requires access by private transport. This is true of the clearance service, operated by a van fleet, but not necessarily so of employees commuting trips or other trips by third parties such as members of the public, or service vehicles. Moreover, the site is divorced from local settlements, from where the items will predominantly be sourced and sold on, away from other waste facilities (accepting waste for disposal, recycling etc.), and is

located off the primary road network with road access being via a single carriageway lane. The site is also not known to have existing service infrastructure such as foul drainage, water, and electricity as may be required by employees whilst on site and for establishing a permanent storage use. There is no apparent benefit or requirement to operate the business from a rural base, and it is a use that appears far more suited to an industrial area or edge of settlement location, which in turn is more likely to be closer to existing communities and better connected to both the primary road network and sustainable transport infrastructure.

The reasons for assessing the development under Policies SP8 and MD20 are explained above. However, even if considered as an application for storage of containers, it should also be noted that Policy MD14 (New Employment Proposals) has similar requirements relating to employment (inc. B8 storage) uses. These criteria are it is located within or adjacent to an existing settlement boundary; or the proposal is for an agriculture, forestry, or rural enterprise where a need for a rural location is justified; or where it is clearly demonstrated that the nature of the business necessitates a location away from existing settlements and/or employment areas to mitigate impact on amenity. The development would not accord with criterion 1 or criterion 2. Regarding criterion 3, storage uses are commonplace within or near settlements and are not as detrimental to amenity as to require an isolated rural location.

In conclusion, the development is in an inappropriate location, having regard to the sustainability and location requirements for waste management (and employment) facilities, and is therefore contrary to LDP Policies SP8, criterion 1 & 2 of MD20 and criterion 2 & 5 of MD1, as well as national guidance contained within 5.13.11 & 5.13.12 of PPW and paragraphs 1.10 and 3.27 of TAN21.

Visual/ landscape impact and character of the countryside

The site is in the countryside south of Penmark and is in the Nant Llancarfan Special Landscape Area (SLA). Criterion 1 of Policy MD1 requires development have “*no unacceptable impact on the countryside*” among other criteria. Policy MD2 (Design of New Development) requires new development achieve a high standard of design, respond to the local context, and incorporate sensitive landscaping, among other criteria. Policy MG17 (Special Landscape Areas) requires development “*cause no unacceptable harm to the important landscape character of the area*”.

The site is well-screened from wide ranging views in the local landscape by the trees that surround the site perimeter and border the northern side of the B4265. The development therefore has a limited landscape impact and does not cause any intrinsic harm to the important landscape character of the SLA. The site is nonetheless prominent from the adjacent lane and be seen from the footpath to the west. The site is understood to have been subject to past tipping, but importantly had been left to naturally regenerate and is colonised by vegetation. The site had blended into the verdant character of the surrounding countryside by at least 2009, with vegetation continuing to establish by 2020, with the extractive/ industrial past nature of the site only readily discernible by the block wall enclosure and tall gates.

The below street view images show its previous condition:



(c.2009)



(c. 2020)

The development of the site, through intrusive vegetation clearance, deposit of rubble and siting of containers/ mobile structures, has fundamentally and harmfully altered the character of the site to the extent it now sits very at odds with its rural surroundings. The development has resulted in a detrimental visual impact and renewed scarring of the land, for which there is no rational justification through a need for this development to be sited in a rural location. There has also been rubble deposited outside of the application site boundary, beyond what is likely necessary to facilitate the siting of the current containers and to provide for circulation space. These alterations are plainly visible from the adjoining lane and the public footpath, the latter of which is part of the Millennium Heritage Trail and other promoted circular walks.

In addition to the visual impact from the operational development and siting of the containers and portacabin, there is also a visual impact occurring from items being stored in the open. Whilst the applicant's agent has contended there is no intention to undertake open storage, precise control over the minutiae this sort of activity would be very difficult to achieve via planning condition. There is not sprawling open air storage taking place at present, but it has been and is very likely to continue to occur to some extent given the

nature of the use. A condition which wholly prohibited exterior storage would be difficult to enforce and monitor, as items would need to be stored in the open before transfer to the containers and it would not meet the circular test of reasonableness for a storage related land use. As has been witnessed by officers, exterior storage is taking place on the site, including sorting and storage of other items such as plastics, wood, some rubble and building materials, as well as items such as vehicles, caravans, trailers, a telephone kiosk, and a boat. This activity exacerbates the visual harm that has occurred from the clearance and development of the site.

The proposal does not respond appropriately to the rural context and character of the immediate site and its countryside surroundings. The visual impact and the urbanising effect on the countryside are demonstrably harmful to the appearance and character of the immediate surroundings and the countryside setting. The proposal therefore conflicts with the aims and criteria of Policies MD1 (criterion 1) and MD2 (criteria 1, 2, and 10) of the LDP, and paragraphs 5.5 and 5.8.1 of TAN12 and having regard to the advice in paragraph 3.9, 3.14, 3.16, 3.38, of Planning Policy Wales (Edition 11), as outlined above.

Ecology and biodiversity

The site has been locally designated as a Site of Importance for Nature Conservation (SINC) (Land South of Penmark, No. 322) for its potential as invertebrate/ reptile habitat. Policy MG21 (Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) applies and the criteria require that *“(1) the need for the development clearly outweighs the nature conservation value of the site; (2) adverse impacts on nature conservation and geological features can be avoided; (3) appropriate and proportionate mitigation and compensation measures can be provided; and (4) the development conserves and where possible enhances biodiversity interests.”*

In the first instance, it must be acknowledged that relatively little is known of the exact present day habitat value of the site and species that may be, or have been, present on the site prior to its unauthorised development in 2021. The Council’s Ecologist has acknowledged that the continued scrubbing over of the site may have reduced potential to support reptile and/or invertebrate populations, for which the site was first locally designated - unless a population of slow worm or other priority species was found during surveying.

The application has not been supported by any ecological survey of the site or other supporting information. The applicant’s agent has suggested a biodiversity mitigation and enhancement plan could be provided by condition should the application be approved. However, in the absence of any survey work within the undeveloped SINC area it is not possible to fully assess the true nature conservation value of the site, and whether adverse impacts have occurred already as part of the development, and whether proportionate mitigation and appropriate enhancement can be provided.

The development to date has resulted in no apparent biodiversity enhancement to the site and it cannot be established whether a harm, and to what extent, the works may have had upon populations of reptiles if these were present. Where reptiles are present, typically measures such as pre-commencement surveys, with reptiles relocated to appropriate habitat off site and prevented from returning by reptile fencing before site clearance occurred. The prior presence of nesting birds on the site was also raised in representations, albeit their presence cannot be evidenced. Whilst an up-to-date survey

might reveal the site to have relatively low habitat value, and criteria 2, 3, and 4 are potentially resolvable with appropriate mitigation and enhancement, compliance with these criteria of Policy MG21 and MD9 (Promoting Biodiversity) of the LDP has not been demonstrated.

Moreover, criterion 1 of Policy MG21 requires the need for the development outweigh the nature conservation value of the site. The justification for this location has been discussed in detail within the 'principle of the development' section of this report, above. The development is in an illogical and inappropriate location, and therefore no significant weight can be attributed to *need for the development* in relation to this policy. The development is therefore considered contrary to Policy MG21 and MD9 of the LDP.

Highway and pedestrian safety

The suitability of the site in terms of sustainability and access to transport infrastructure has been considered in more detail in the principle of development section of this report above. This section relates to the safety of highway users.

In the first instance, the containers have already been transported on to the site in summer 2021. This process is likely to have involved transport by a large, perhaps articulated vehicle. There are no known instances of any collisions or incidents because of this process and clearly the vehicles concerned were somehow able to navigate the lane and turn within the site area. The site is served by a c.5m wide access to the highway and so problems with access and egress to the site are unlikely. There have been reports of damage to verges, but these cannot be reliably attributed to operations at this site. Large vehicles may have some difficulty in traversing country lanes such as this, noting there are limited passing opportunities between the site and Penmark. However, the movement of containers would be very infrequent, noting they have remained in situ and container numbers could theoretically be controlled by condition.

The day-to-day use of the site involves comings and goings by employees using the fleet of removal vans, classed as light goods vehicles. It is understood that these vehicles will attend site on a handful of occasions between jobs, resulting in up to 12 vehicle movements per day.

It is noted that the Highways Authority have requested further information including track runs to demonstrate suitability of the access. However, as noted above the site has an existing access suitable for the use, ample room within the site for vehicles to turn and the development has not resulted in a significant increase in traffic or congestion. As a consequence, there does not appear to be any material increase in the risk to highway safety and to that of other highway users such as cyclists and pedestrians, and the development is considered acceptable in this respect.

Environmental impact upon the adjoining land uses and residential amenity

The development principally involves storage, with no evidence of anything other than either manual sorting of items taking place or use of small-scale machinery such as a mechanical grabber/ mini digger. There is a potential for some noise to occur because of activities such as loading or unloading, however, no activities have been observed causing serious harm to amenity. It is also considered unlikely that significant harm to residential amenity would occur given the site context, distance to neighbouring properties and the scale of development. It is considered that, with planning controls in place to control the

working hours, scale and nature of the development (such as number of containers and the site area), the development would be acceptable in relation to residential amenity.

Contamination

In consultation with Shared Regulatory Services, conditions relating to contamination and ground gas protection were recommended, noting that the development does not involve excavation. The development would be considered acceptable in relation to the risk to site users subject to the implementation of these conditions and their requirements.

Drainage

There is no known foul drainage provision, albeit a portaloos has been observed on the site. The suitability of the site location in terms of its proximity to local services has been assessed in the principle of development section of the report, above. Had there been compelling justification for the siting of this use in the countryside, it is likely that services such as water, electricity and foul drainage infrastructure could be provided for to accommodate staff facilities.

There are no details of surface water provision at the site. Given the extent of the development area, it may also require separate approval from the SAB authority for a SuDS scheme. There has however been no response from the Council's Drainage Engineer at the time of writing this report. The containers and compacted rubble may have increased the impermeable area of the site, albeit any impact would be dependent on the pre-existing land condition. However, there has been no evidence of a perceptible impact or increased risk of flooding or additional run-off since the development occurred. It is therefore considered acceptable in relation to surface water drainage and treatment, subject to compliance with SAB regulations.

Other matters

There is no evidence of excavations having taken place.

Whilst there is evidence to suggest the burning of materials has occurred here, this does not appear to be on-going or happening routinely. Notwithstanding this, separate controls exist regarding the burning of materials where this constitutes a nuisance (VoGC) or as waste disposal (NRW).

ENFORCEMENT ACTION

In view of the above assessment, it is recommended that an enforcement notice be issued under Section 172 of the Town and Country Planning Act 1990 in respect of the of the unauthorised use of the land, which is known to have commenced in summer 2021, i.e. within the last 10 years. The only way for the identified harm to the character of the countryside to be remedied would be to require the cessation of the use of the land identified and removal of the containers, portacabin, and deposited rubble.

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 RECOMMENDATION

The decision to recommend refusal 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.

DUAL RECOMMENDATION

REFUSE AND AUTHORISE ENFORCEMENT ACTION

It is recommended that:

- (1) The application for planning permission for the change of use of the land be refused for the following reasons:
 - i) The site is in a divorced, inefficient, and unsustainable rural location without benefit of good access to local transport infrastructure, existing services, and without justification for or necessity to be in the countryside. The development is therefore considered to be inappropriately located, having regard to the sustainability and location requirements for waste management (and employment) facilities, and is therefore contrary to LDP Policies SP8, criterion 1 & 2 of MD20 and criterion 2 & 5 of MD1, as well as national guidance contained within 5.13.11 & 5.13.12 of PPW and paragraphs 1.10 and 3.27 of TAN21.
 - ii) By reason of its urban appearance in contrast with the rural, verdant and open character of the previously regenerated application site and the surrounding land, the change of use has resulted in a demonstrably harmful and unacceptable impact on the character of the countryside, which is in conflict with the aims and criteria of Policies MD1 (criterion 1) and MD2 (criteria 1, 2, and 10) of the LDP, paragraphs 5.5 and 5.8.1 of TAN12 and

having regard to the advice in paragraph 3.9, 3.14, 3.16, 3.38 of PPW (Edition 11).

- iii) The site has been locally designated a Site of Importance for Nature Conservation for its potential as invertebrate and reptile habitat. In the absence of ecological surveys or measures of biodiversity mitigation and enhancement, and the lack of justification for the rural location, the need for the development does not outweigh the likely nature conservation value of the site. The development is therefore contrary to Policies MG21 and MD9 of the LDP.
- (2) The Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) in respect of the land shown edged blue on the site location plan, to require:
- (i) The cessation of the unauthorised use of the land for storage,
 - (ii) The removal from the land of the shipping containers, portacabin, portaloos, and any other structures, machinery or chattels associated with the storage use.
 - (iii) The removal from the land of all items being stored on the land including, but not limited to, any motor vehicles, caravans, trailers, boats, the telephone kiosk, all building materials, other items such as furniture, electrical goods, plastics, glass, metals, and all items of waste on the site, including piles of rubble, and all rubble deposited on the ground to form the new hardstanding,
 - (iv) The reinstatement of the land to its former condition prior to the unauthorised change of use taking place.
- (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 TAKING ENFORCEMENT ACTION

- (1) It appears to the Council that the above breach of planning control constituting the change of use of the land has occurred within the last 10 years.
- (2) The site is in a divorced, inefficient, and unsustainable rural location without benefit of good access to local transport infrastructure, existing services, and without justification for or necessity to be in the countryside. The development is therefore considered to be inappropriately located, having regard to the sustainability and location requirements for waste management (and employment) facilities, and is therefore contrary to LDP Policies SP8, criterion 1 & 2 of MD20 and criterion 2 & 5 of MD1, as well as national guidance contained within 5.13.11 & 5.13.12 of PPW and paragraphs 1.10 and 3.27 of TAN21.
- (3) By reason of its urban appearance in contrast with the rural, verdant and open character of the previously regenerated application site and the surrounding land, the change of use has resulted in a demonstrably harmful and unacceptable impact on the character of the countryside, which is in conflict with the aims and criteria of Policies MD1 (criterion 1) and MD2 (criteria 1, 2, and 10) of the LDP, paragraphs 5.5 and 5.8.1 of TAN12 and having regard to the advice in paragraph 3.9, 3.14, 3.16, 3.38 of PPW (Edition 11).

- (4) The site has been locally designated a Site of Importance for Nature Conservation for its potential as invertebrate and reptile habitat. In the absence of ecological surveys or measures of biodiversity mitigation and enhancement, and the lack of justification for the rural location, the need for the development does not outweigh the likely nature conservation value of the site. The development is therefore contrary to Policies MG21 and MD9 of the LDP.
- (5) 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.

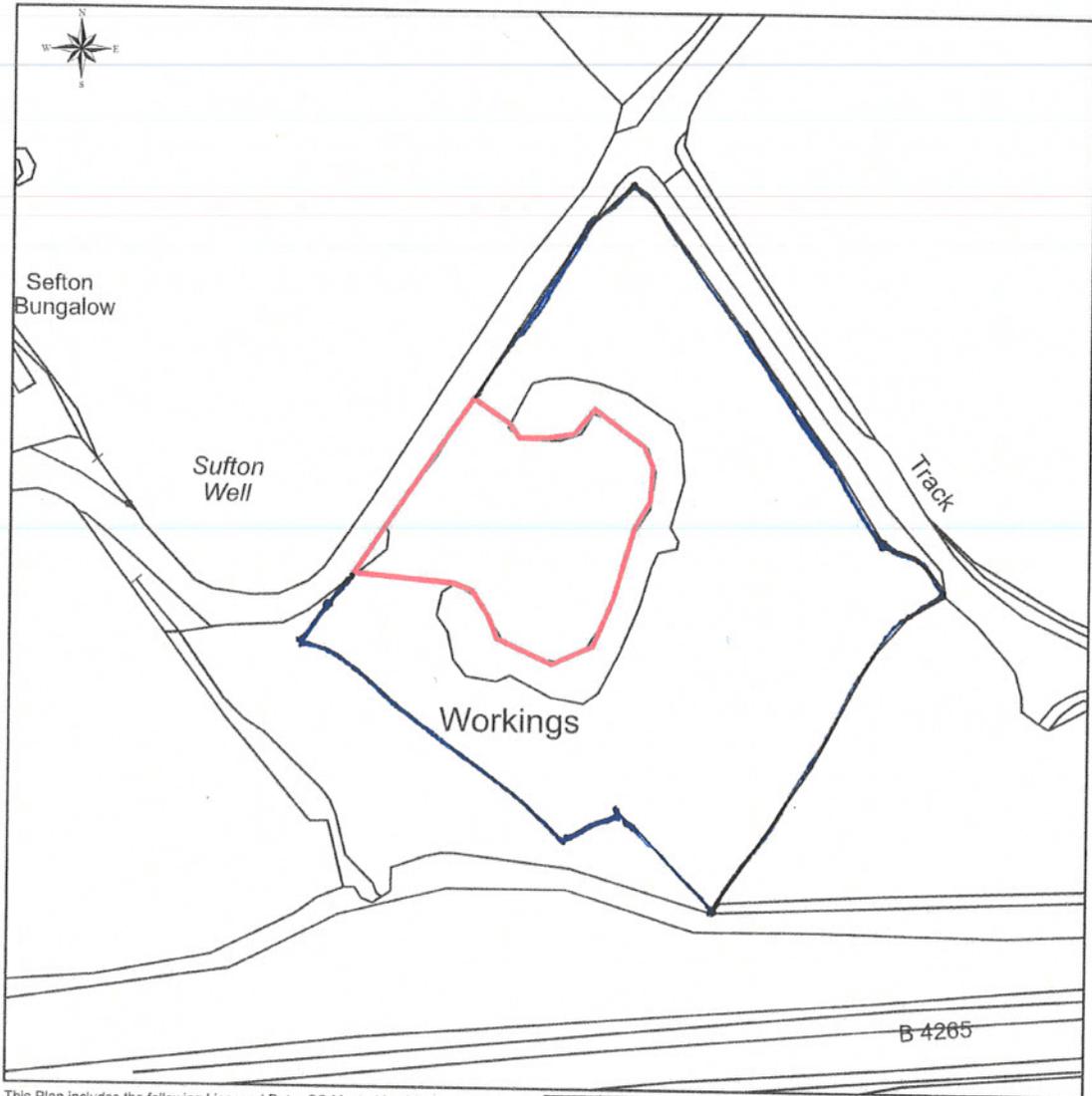
RECOMMENDATION

REFUSE

1. The site is in a divorced, inefficient, and unsustainable rural location without benefit of good access to local transport infrastructure, existing services, and without justification for or necessity to be in the countryside. The development is therefore considered to be inappropriately located, having regard to the sustainability and location requirements for waste management (and employment) facilities, and is therefore contrary to LDP Policies SP8, criterion 1 & 2 of MD20 and criterion 2 & 5 of MD1, as well as national guidance contained within 5.13.11 & 5.13.12 of PPW and paragraphs 1.10 and 3.27 of TAN21.
2. By reason of its urban appearance in contrast with the rural, verdant and open character of the previously regenerated application site and the surrounding land, the change of use has resulted in a demonstrably harmful and unacceptable impact on the character of the countryside, which is in conflict with the aims and criteria of Policies MD1 (criterion 1) and MD2 (criteria 1, 2, and 10) of the LDP, paragraphs 5.5 and 5.8.1 of TAN12 and having regard to the advice in paragraph 3.9, 3.14, 3.16, 3.38 of PPW (Edition 11).
3. The site has been locally designated a Site of Importance for Nature Conservation for its potential as invertebrate and reptile habitat. In the absence of ecological surveys or measures of biodiversity mitigation and enhancement, and the lack of justification for the rural location, the need for the development does not outweigh the likely nature conservation value of the site. The development is therefore contrary to Policies MG21 and MD9 of the LDP.

Sefton Quarry, Penmark

2021/01405/FUL



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Scale: 1:1250, paper size: A4

Location Plan



emapsite™
plans

Prepared by: Jeremy Peter, 03-09-2021

2022/00440/FUL Received on 25 August 2022

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AGENT: Mr Bill O'Donoghue, Orchard Bungalow, Treguff, St. Mary Church. CF71 7FS

Orchard Bungalow, St. Mary Church

Orchard Bungalow extended garden. Land acquired is currently agricultural. Use required is residential to match that of existing property. Note we do not intend to use the Land for commercial logging / metal fabrication / commercial usage or anything associated/deemed industrial

'REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is recommended for refusal, with a dual recommendation for enforcement action. The enforcement action is not covered by the scheme of delegation so committee authorisation is required.

EXECUTIVE SUMMARY

It became apparent following submission of this application that part of the site west and south of Orchard Bungalow was already in residential use and the proposal is to retain part of this land for residential use. The land in question was previously used for agriculture.

The principal issue to consider is the impact of the development upon visual amenity and the character of the countryside. One representation was received which objected to the proposals on grounds that the application was retrospective, the impact to the character of and encroachment into the countryside, and that other similar proposals have been refused.

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

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

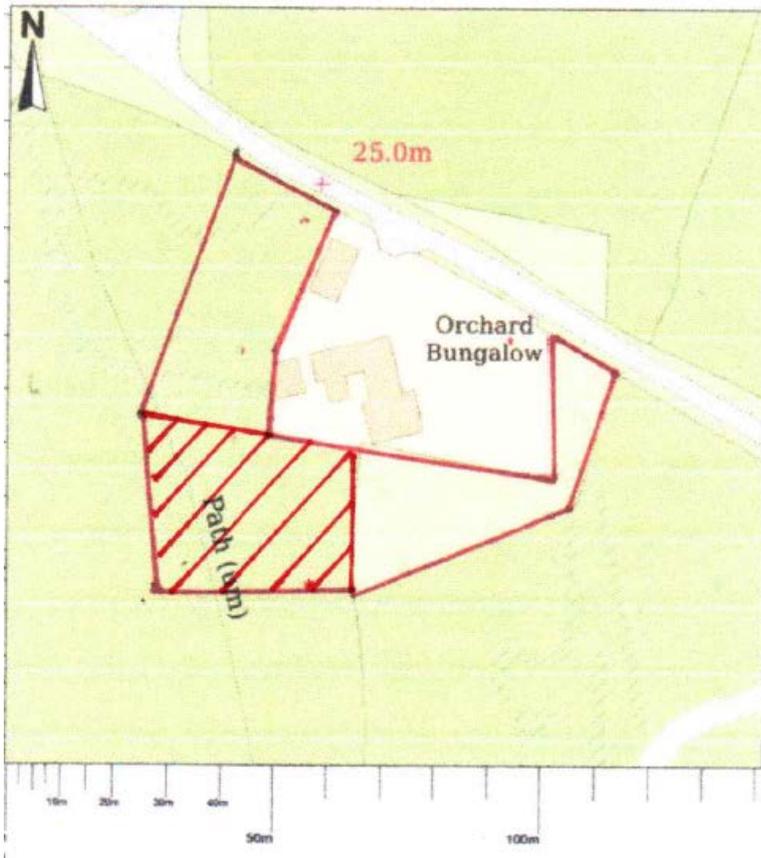
SITE AND CONTEXT

The application site is land adjoining Orchard Bungalow, St Mary Church. The land relates to an existing detached dwelling located in the hamlet of Treguff, which is a loose knit cluster of farmsteads, dwellings and buildings in the rural vale. It is outside of any defined settlement in the Local Development Plan and also within the Upper and Thaw Valley Special Landscape Area (SLA). It is also within Category 2 Sandstone, Limestone and

Sand and Gravel Safeguarding Areas. The land also has a predicted Agricultural Land Classification (ALC) of Grade 4.

The planning application site ("the application site") is approx. 1200sq.m in size and previously comprised part of an agricultural field. The land is now separated from the wider field parcel having been enclosed by a post and wire fence.

The application site (annotated 'new area proposed') is outlined in red on the plan extract below:



 = NEW AREA PROPOSED.

DESCRIPTION OF DEVELOPMENT

The proposed development is a change of use of the land to provide Orchard Bungalow with an extended garden area. The land in question was previously used for agriculture. The planning application site is confined to the area annotated as 'new area proposed'. The application formerly proposed the change of use of the entire area outlined in red.

It was apparent that this part of the site and the land the north of it (the section west and south of Orchard Bungalow) was already in residential use at the time of the Officers site visit. There is also a polytunnel and metal shed erected on the land west of Orchard Bungalow and north of the application site, albeit these structures are not included as part of the planning application proposal and are outside of the application site. There were goals and nets on the application site, indicating a residential use.

The planning application proposal is therefore to retain the 'new area proposed' as residential land.

To provide clarity, within this report the area identified as being in residential use is highlighted in purple on the image below. The area highlighted blue is a copse of trees and is separately enclosed, but does not appear to be in residential use.



PLANNING HISTORY

1993/01309/FUL, Address: Orchard Bungalow, Treguff, Llantrithyd, Proposal: 2 storey extension to bungalow, garage & workshop, Decision: Refused

1994/00332/FUL, Address: Orchard Cottage, Treguff, Proposal: Two storey extension to bungalow, garage & workshop, Decision: Approved

1998/00384/OUT, Address: Treguff Farm, Treguff, St. Mary Church, Proposal: Agricultural Workers dwelling, Decision: Refused

2000/00962/FUL, Address: Orchard Cottage, Treguff, Proposal: Garage, Decision: Approved

2004/00065/FUL, Address: Orchard Cottage, Treguff, Proposal: Single storey extension to match existing with conservatory, Decision: Approved

CONSULTATIONS

1. Llancarfan Community Council – no response received to date.
2. St Nicholas and Llancarfan Ward Councillors – no comments on the merits of the application have been received.

REPRESENTATIONS

The neighbouring properties were consulted on 10 May 2022.

A site notice was also displayed on 18 May 2022.

One representation was received on behalf of several respondents, which contained objections for the following summarised reasons:

1. Loss of agricultural land
2. Countryside encroachment that is out of character with existing development, the local character and would harm visual amenity.
3. Applications for similar development have been refused, namely: planning application numbers 2021/01422/FUL 2018/01180/FUL 2018/01327/FUL 2018/01214/FUL 2018/00574/FUL & 2017/01055/FUL.
4. The change of use has already commenced.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP9 – Minerals

Managing Growth Policies:

POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

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

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

Future Wales: The National Plan 2040:

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

Planning Policy Wales:

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

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

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

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

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

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

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

Chapter 4 - Active and Social Places

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)

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

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

4.8 "Appraising "character" involves attention to topography; historic street patterns, archaeological features, waterways, hierarchy of development and spaces, prevalent materials in buildings or floorscape, architecture and historic quality, landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements)."

5.5 "The way in which development relates to its urban or rural landscape or seascape context is critical to its success. Because of this, an understanding of landscape quality, including its historic character is fundamental to the design process.'

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

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

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

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

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The main issues to consider are the principle of the change of use, the impact on visual amenity and character of the countryside, as well as residential amenity.

Loss of agricultural land

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

The site and the areas around it are predicted to be Grade 4 as defined on Welsh Government Agricultural Land Classification (ALC) maps. This grading is not amongst the *best and most versatile* as defined by Policies MD1 and MD7 and the proposed change of use therefore does not conflict with policy in this respect.

Amenity space requirement

The extent of the lawful residential curtilage is approx. 1800sq.m, with approx. 1000sq.m of that providing dedicated outdoor amenity space which is split between a smaller area of garden to the south west and a larger lawn area to the east. The extended garden adds to this in area approx. another 1200sq.m.

The Residential and Householder SPG contains minimum standards which equate to 20sq.m amenity space per occupier for dwellings. These standards aim to ensure adequate amenity provision in new development (and so should not be interpreted as any form of maximum in this context). Nevertheless, these demonstrate that the dwelling is already served by a large amenity space and so the amenity needs of the occupiers do not weigh significantly in favour of extending it.

Visual impact, landscape and character of the countryside

Policy MD1 (Development in the Countryside) of the LDP states that new development should *"have no unacceptable impact on the countryside"*. In addition, policy MD2 (Design of New Development) states that development proposals should positively contribute to the context and character of the surrounding environment. Policy MG17 is also applicable within Special Landscape Areas and states development should *"cause no unacceptable harm to the important landscape character of the area"*.

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

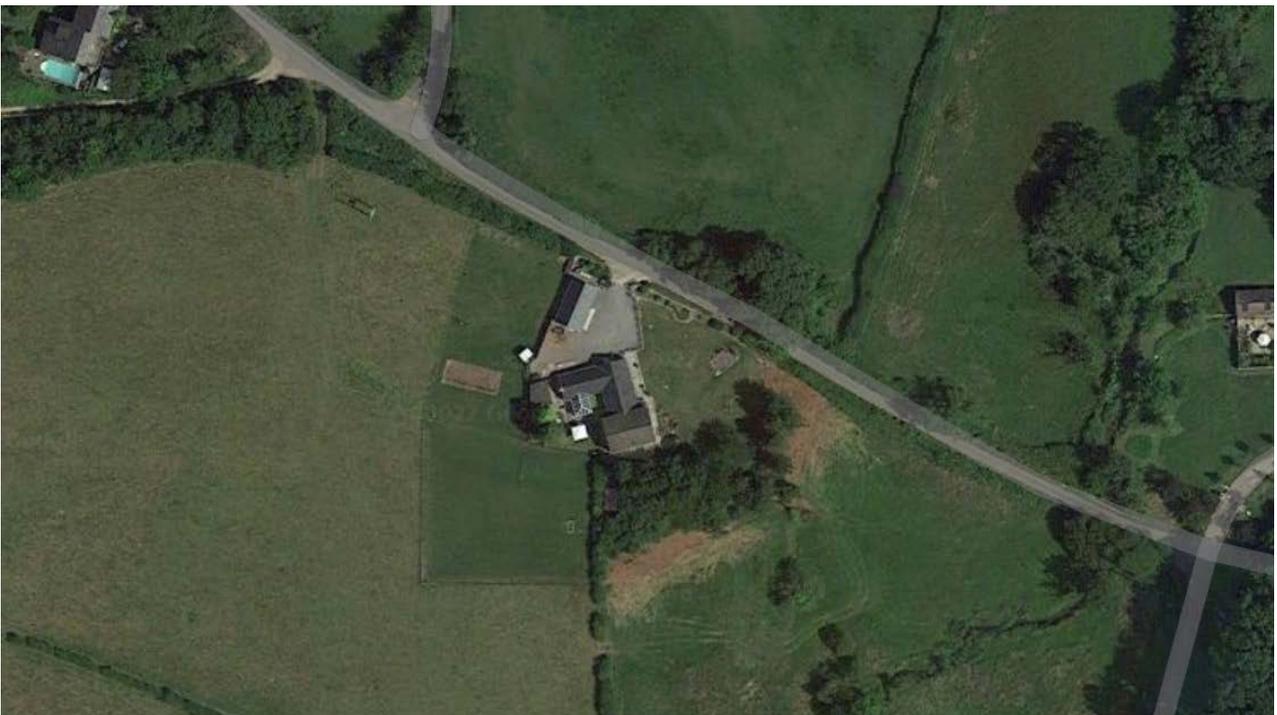
Policy DG13 of the 'Design in the Landscape' SPG also provides design aims for rural settlements stating *'to reduce, and wherever feasible, reverse the erosion of locally distinct rural character which results in suburbanisation.'*

There are no public footpaths crossing or in the immediate vicinity of the site and close public viewpoints are limited to those available at certain junctures on the main highway through Treguff, where these are not screened by the roadside hedgerow. The site is not significantly prominent from public viewpoints, but is nonetheless visible from the highway to the north-west and the south-eastern section is visible from the south-east.

The extent of the site is shown in the aerial photographs below:



(c. 2017 aerial photo – extent of adopted highway marked pink)



(latest aerial photo – showing extent of enclosed land and possibly the polytunnel base)

At present, the curtilage and area of lawful residential use remains defined by enclosures and, beyond that, the application site land has been enclosed by an additional a post and wire fence. The latter is a commonplace feature in the countryside, is not visually intrusive in its own right, and is considered to be 'permitted development'. Nonetheless, a residential use appears to have commenced on the land west and south, with a polytunnel and shed having been erected west of Orchard Bungalow, and items such as goal posts and nets were also present on the application site.

The application site represents an approx. 1200sq.m extension to the existing garden and protrudes substantially beyond the clearly defined lawful curtilage into large agricultural fields. Taken together with the land to the west where the polytunnel and shed are sited, it is approx. 2200sqm in total area. It is considered that this appears as an arbitrary incursion into the countryside, resulting in both a materially greater visual impact and an unacceptable urbanising impact on the local countryside. While the proposal is to retain only the application site as residential, this area remains of a very large size and also extends arbitrarily into the open field.

No additional operational development appears to have taken place apart from the erection of the metal shed and polytunnel. The application nevertheless seeks a permanent residential use that could serve to extend the curtilage of the dwelling house. It is noted that the garden could be made to have a relatively natural appearance, also that some control exists through the planning system for future development such as enclosures and buildings. There will inevitably, however, be a difference between the appearance and character of residential gardens, which may also evolve over time. The consideration over whether a permanent change to the use of the land is acceptable is principally a land use matter, and limited weight is afforded to personal circumstances or intentions, beyond those which can be reasonably controlled through the planning system. The exact character of the land would not be controllable, and considerable change can occur over time and by change in occupancy, from additional buildings, surfacing/ornamental landscaping and other chattels and paraphernalia, for example, which would be beyond the scope of planning control. The approval of a residential land use would be permanent and likely to result in a gradual urbanisation that would prove detrimental to the character of the countryside. A difference in character is already apparent and it is considered that approval of the reduced area of the application site would still result in an unacceptable creeping urbanisation of the countryside.

Operational development on the land can be controlled by the removal of permitted development rights. However, even if such rights were removed, there would likely be increased development pressure for, and increased difficulty in resisting, development relating to a residential use on residential land. Furthermore, approval would understandably result in residential activities which do not amount to operational development taking place on this land. The use of this land, in this setting, and arbitrarily in part of a formerly open field in the open countryside, would be detrimental to the Council's ability to resist uncharacteristic development which would be detrimental to and prejudice the open nature of the land. Therefore, these proposals are contrary to criterion 1 of Policy MD1 of the LDP.

It is noted that the application site is not overly visually prominent and so the change of use is unlikely to be seen prominently or fully appreciated from wider views in the landscape. It is therefore unlikely to adversely affect special environmental qualities of the wider Upper and Lower Thaw Valley SLA. However, garden extensions, especially of this size, can still incrementally undermine the character of the local countryside. Moreover, the screening provided by vegetation and the roadside hedgerow would be significantly reduced in winter and cannot be relied upon to remain, in perpetuity, as they are natural, living things. The Hedgerow Regulations 1997 provides regulatory control over the removal or destruction of rural hedgerows, however this control would be lost if a residential use became established, because hedgerows bordering residential gardens are exempt from the regulations.

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

Impact on neighbours

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

Ecology

The residential use would be unlikely to cause inherent or direct harm to the sites ecological or biodiversity interest. The impact of the change of use upon the regulatory protection of the hedgerows is noted, but this relates to its retention in perpetuity as mitigation against harm to visual amenity and the character of the countryside. It is not proposed to be removed and the roadside hedgerow is by now outside of the application site. Policy MD9 (Promoting Biodiversity) requires all development to provide biodiversity enhancement, while no specific measures have been formally put forward these could be required by condition were the application to be approved.

Mineral Safeguarding

The land is located within a Sandstone, Limestone and Sand and Gravel Mineral Safeguarding Area. Policy MG22 (Mineral Safeguarding Area) is relevant when assessing proposals in these areas and discourages any development which will prejudice future mineral extraction. However, given the proximity of other residential property to the site, as well as being within an SLA, it is very unlikely to be suitable for future extraction. Therefore, there would be no adverse implications for mineral resource safeguarding.

ENFORCEMENT ACTION

In view of the above assessment, it is recommended that an enforcement notice be issued under Section 172 of the Town and Country Planning Act 1990 in respect of the of the unauthorised use of the land. It is not known exactly when the fence was erected/use commenced, however it is within the last 10 years. The only way for the identified harm to the character of the countryside to be remedied would be to require the cessation of the use of the land identified.

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 RECOMMENDATION

The decision to recommend refusal 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.

DUAL RECOMMENDATION

REFUSE AND AUTHORISE ENFORCEMENT ACTION

It is recommended that:

- (1) The application for planning permission for the change of use of the land be refused for the following reason:
 - i. By reason of its size, the rural/agricultural context, and the appearance and open character of the application site and surrounding land, the change of use of the land results in a demonstrably intrusive incursion into the countryside which is harmful to its appearance and character. It also results in an incremental and harmful urbanising effect on the countryside, which is in conflict with the aims and criteria of Policies MD1 (criterion 1) and MD2 (criteria 1 and 2) of the LDP, and Policy DG13 of the Design in Landscape SPG, paragraphs 5.5 and 5.8.1 of TAN12 and having regard to the advice in paragraph 3.9, 3.14, 3.16, 3.38 of PPW (Edition 11).
- (2) The Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) in respect of the land west and south of Orchard Bungalow, to require:
 - (i) The cessation of the residential use of the land,
 - (ii) The removal from the land of the metal shed, polytunnel, and domestic paraphernalia including, but not limited to, goal posts and play equipment.

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

Reason for Issuing Enforcement Notice

- (1) It appears to the Council that the above breach of planning control constituting the change of use of the land from agriculture to residential use has commenced within the last 10 years.
- (2) The unauthorised change of use of the land by reason of its size, the rural/agricultural context, and the appearance and open character of the application site and surrounding land, has resulted in a demonstrably intrusive incursion into the countryside which is harmful to its appearance and character. It has also resulted in an incremental and harmful urbanising effect on the countryside, which is in conflict with the aims and criteria of Policies MD1 (criterion 1) and MD2 (criteria 1 and 2) of the LDP, and Policy DG13 of the Design in Landscape SPG, paragraphs 5.5 and 5.8.1 of TAN12 and having regard to the advice in paragraph 3.9, 3.14, 3.16, 3.38 of PPW (Edition 11).
- (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

1. By reason of its size, the rural/agricultural context, and the appearance and open character of the application site and surrounding land, the change of use of the land results in a demonstrably intrusive incursion into the countryside which is harmful to its appearance and character. It also results in an incremental and harmful urbanising effect on the countryside, which is in conflict with the aims and criteria of Policies MD1 (criterion 1) and MD2 (criteria 1 and 2) of the LDP, and Policy DG13 of the Design in Landscape SPG, paragraphs 5.5 and 5.8.1 of TAN12 and having regard to the advice in paragraph 3.9, 3.14, 3.16, 3.38 of PPW (Edition 11).

