

**ITEMS RECEIVED AFTER THE PRODUCTION OF THE REPORT
FOR THE PLANNING COMMITTEE
TO BE HELD ON 7 SEPTEMBER, 2022**

<u>Page</u>	<u>Application</u>	<u>Location</u>	<u>Item No.</u>	<u>Description</u>
P.41		b) Request for Tree Preservation Order at 200, Westbourne Road, Penarth	1.	Comments from Penarth Tree Forum
PLANNING APPLICATIONS				
P.75	2021/01405/FUL	Sefton Quarry (former Scrapyrd), Penmark	2.	Comments from Councillor S. Campbell
P.98	2022/00440/FUL	Orchard Bungalow, St. Mary Church	3.	Supporting Statement received from the Applicant

MATTERS ARISING FOR COMMITTEE**COMMITTEE DATE: 7th SEPTEMBER 2022**

Application No.: 2022/00005/TREE	Case Officer: Mrs. Helen Winsall
Location: 200, Westbourne Road, Penarth Proposal: Request for Tree Preservation Order	

From: Anne Evans- Chair, Penarth Civic Society

Summary of Comments:

The Penarth Tree Forum, part of the Penarth Civic Society, is strongly in favour of the proposed TPO.

- This tree makes a substantial contribution to the tree canopy cover of the town;
- It is understood to be healthy and has a life expectancy of 100 years;
- The occupants and neighbours will have bought their properties in the knowledge that this tree was present.

Officer Response: The comments are noted

Action required: None

From: Anne Evans [REDACTED]
Sent: 04 September 2022 12:45
To: Planning; Thomas, Neil C (Cllr)
Subject: Planning Committee 7th September 2022 - Request for a TPO 200 Westbourne Road, Penarth

Dear Cllr Thomas and Mr Robinson

We note that this application for a Tree Preservation Order is for discussion at the Planning Committee on 7th September.

The Penarth Tree Forum, part of the Penarth Civic Society, is strongly in favour of the proposed TPO. This tree makes a substantial contribution to the tree canopy cover of the town and should be retained. We understand it is healthy and has a life expectancy of 100 years. All residents of number 200, and neighbouring properties, will have bought their properties in the knowledge that this tree was present. We are extremely concerned that the tree canopy cover of the town is decreasing. Trees in gardens make a very important contribution to the overall canopy cover and it is essential that healthy trees are retained.

We support the decision of council officers to place a Tree Preservation Order on this tree.

Yours sincerely

Anne Evans
Chair
Penarth Civic Society

Sent from my iPad

MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE: 7 September 2022

Application No.: 2021/01405/FUL	Case Officer: Mr. Ceiri Rowlands
Location: Sefton Quarry (former Scrapyard), Penmark, Rhoose	
Proposal: Change of use of land for the siting of storage containers	

Comments from: Cllr S Campbell:

Application 2021/01405/FUL, shows pictures of the site taken I presume, in 2021. This shows the site as clean tidy space used for storing shipping containers. This is not the case. You can see the photos attached that I took back in July that there is a lot of rubbish that has been dumped on this site without any permissions or licenses to do so.

In order to get these containers, skips and vehicles into this site, the transportation must have been of a significant size, much bigger than the domestic vehicles these lanes are used to. VOG Highways officers have rejected this planning based on the very narrow roadways to site and its inability to handle substantial vehicles. This has/is happening regardless on a daily basis, according to local residents.

I became involved with this issue when I was contacted by members of the local community telling me they're scared of the people using this site. There has been confrontations between the people using this site and local residents, especially on the lanes between pedestrians and wagons. One local resident has said that they have had to spend over £1000 to get CCTV equipment as they no longer feel safe in their own home. This is a very worrying and sad statement to hear.

This planning should not be based as this area is not fit for the work being done on this site. Also, I think enforcement action needs to be taken as a priority on this site.

Not just to give comfort to local residents, but to also show these people that they cannot get away with working outside of permissions and boundaries.

Officer Response:

The applicant's Planning Statement (and photographs therein) were received on 22 September 2021. Site photographs taken by Officers are also provided and dated accordingly.

The matters pertaining to the location of the site, its use, appearance, and highway safety have been considered within the Officer's report.

Action required: Members to note

Sefton Quarry Comments by Cllr Campbell

2nd September 2022

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MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE: 7 September 2022

Application No.: 2022/00440/FUL	Case Officer: Mr. Ceiri Rowlands
<p>Location: Orchard Bungalow, St. Mary Church</p> <p>Proposal: 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</p>	

From: Bill O'Donoghue (applicant)

Summary of Comments:

The applicant has provided a supporting statement (circulated) which states, in summary:

- No intention to develop the copse or use it as part of the residential garden.
- Tree planting has taken place to establish an orchard
- Shed and polytunnel are temporary structures
- Shed used to store tools to maintain the land
- Polytunnel is used for cultivation
- The proposed area to be retained as garden is motivated by a desire to install a heat source pump, it was used during lockdown periods for recreational purposes as the existing garden is sloped and there was no sports field nearby.
- The goalposts are removed when not in use

Officer Response:

In relation to structures, whether forming 'development' in planning terms depends on their *size, permanence and attachment*. The polytunnel and shed appear to have been in situ for many months and whilst they do not have substantial foundations, they are not easily transportable by design and very unlikely to be moved around the site given the manner of use. They are considered to be operational development and (in view of their location outside of the residential curtilage of Orchard Bungalow) to require planning permission.

The retention of the polytunnel and shed may be justified where in association with small scale agriculture/ cultivation (i.e. without a residential use being established alongside), however these matters would require further consideration as part of a formal application for their retention.

The retention of the remaining area for residential use (as per the proposed plans) is not justified based on amenity benefit and personal circumstances, for the reasons outlined in the Officers report. The lawful garden area is a perfectly usable amenity space despite being slightly sloping. The expansion of the curtilage and establishment of a residential use is also not a prerequisite for microgeneration and planning policies do not constrict their

acceptability to residential curtilages. Proposals for microgeneration would be considered on their own merits where an application was required.

It is understood the residential use may be relatively occasional. If the absence of a material and persisting residential use can be verified then no further enforcement action need take place. However, Officers would still request the authorisation proceed as per the Officers report, in order that enforcement action can be taken expeditiously if necessary.

Action required: Members to note the above

Orchard Bungalow, Treguff.

Planning ref – 2022/00440/FUL

Change of use, Residential use required (120 sq mtr)

My expertise is in healthcare (NHS) and not planning. Having purchased agricultural land in 2019 around my home so that I can support the local environment and reduce my carbon footprint, I wish to have the land correctly registered. This land can be considered in three sections.

First, I have purchased a **copse of trees** (woodland) that runs to the east and south of my property. I am now informed that there is no need for me to reclassify the land under the woodland.

Second, to the west side of my home, I have planted an **orchard** that will provide seasonal food for my family, and support the local ecosystem. I have also erected a compact polytunnel adjacent to my house, well screened from the public highway, where my wife grows organic eggplant, chilies, specialist legumes and herbs. Poly tunnels are increasingly used on agricultural land to enable year-round growing, and a greater variety of crops – reducing food miles.

This year, samples of the fruit have been distributed to Asian buyers and there is potential for my wife to develop a small horticultural business. The polytunnel is essential for these plants and this enterprise. It's a chicken and egg situation, as I now believe my wife generally needs to establish a business to gain planning permission for a polytunnel on agricultural land, but needs a polytunnel in order to establish the business. No planning approval would be needed for this polytunnel if I was able to locate it on land designated as residential.



A metal toolshed has been erected next to the original boundary fence, and could be relocated to the other side of the fence if necessary. Both the toolshed and polytunnel are temporary structures.

The orchard, polytunnel and small shed which are for **producing food** are on land classed as agricultural. Planning requirements for the polytunnel and shed are very grey and confusing.

The final section of the land I acquired is grassland to the south west of my home. I was motivated to purchase this flat area because it's been identified as being most suitable for a **ground source heat pump**. It's my intention to end my use of LPG to heat my house. During Covid lockdown, my sons played football on this area. This area is flat – the garden to the front of my home is on a slope. I have erected lightweight movable goalposts for them and cut the grass and when not in use they are removed from area in question. I would like for them to be able to continue to enjoy this amenity until they go off to university. Our nearest sports field is 2.8 miles away.



 = NEW AREA PROPOSED.

Newly planted Orchard



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