

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 7 SEPTEMBER, 2023

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT UNDER DELEGATED POWERS

Decision Codes:

A	Accepted
AC	Approved Conditionally
AW	Accepted (Welsh Water)
R	Refused

(a) Building Regulation Applications - Pass

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

2023/0005/PV	A	16, Brean Close, Sully, CF64 5TS	New solid panels replacing translucent panels within existing conservatory roof
2023/0014/PO	AC	2, Trelawney Crescent, Rumney, Cardiff. CF3 3JR	Hip to gable dormer loft conversion to a bungalow
2023/0140/BN	A	Maerdy Newydd Farm, Bonvilston, CF5 6TR	New porch, Internal alterations to GF and FF, Single storey extension to ground floor, Single storey extension to First floor, detached building for gym/games room, plant room, shower and sauna
2023/0315/BN	A	28, Princes Street, Barry. CF62 7EJ	Loft conversion no dormer
2023/0319/BN	A	White Gate Lodge, St. Nicholas. CF5 6SJ	Proposed single storey annex and garage conversion
2023/0321/BN	A	259, Gladstone Road, Barry, CF63 1NJ	Widening an existing opening between the lounge and dining room.

2023/0323/BN	A	27, Augusta Road, Penarth, CF64 5RJ	Single storey rear extension, removal of internal walls to create a large kitchen diner area.
2023/0329/BN	A	56, Main Street, Barry, CF63 2HN	Loft conversion
2023/0330/BN	A	107, Wordsworth Avenue, Penarth, CF64 2RQ	Proposed single storey garage extension
2023/0336/BR	AC	Ysgol Gyfun Bro Morgannwg, Colcot Road, Barry, CF62 8YU	Upgrade of windows to the front, rear and side elevations of the Maths Block. Remove existing window and install new Comer 9 Curtain Walling system, Doors to be Comer 7. Replace timber fascia panels with Rock Panel and fire stopping where needed.
2023/0339/BN	A	12, Dunraven Close, Cowbridge, CF71 7FG	Conversion of integral garage to a habitable room.
2023/0340/BR	AC	West Haven, Broughton Road, Wick, CF71 7QP	Removal of garage and construction of new two storey side and rear extensions.
2023/0342/BR	AC	The Chapel, 118A, High Street, Barry, CF62 7DT	Internal mezzanine floor installation
2023/0343/BN	A	29, St Davids Avenue, Dinas Powys, CF64 4JP	Conversion of the existing garage with a new extension above to form a bedroom and en-suite bathroom
2023/0344/BN	A	30, Cwm Barry Way, Barry, CF62 6LB	Loft extension with dormer
2023/0345/BN	A W	5, Pioden For, Barry, CF62 5DD	Single storey utility room at the side of the existing kitchen less than 10m2
2023/0346/BN	A	Vale Of Glamorgan Council, Alps Quarry Road, Wenvoe, CF5 6AA	Install data points with cabling in the alps store 2 at the West end and 2 at the East all above head height

2023/0348/BN	A	Rose Cottage, Gileston, CF62 4HX	Re-roofing of thatch roof
2023/0349/BR	AC	2 Yew Tree Grove, Eglwys-brewis, CF62 4JX	Conversion of a utility room into w/c room. Creation of doorway from hallway into new room. Installation of Saniflo system connecting into existing inspection chamber.
2023/0350/BN	A	Llanvithyn Farm, Llancafán, CF62 3AE	Double storey side extension
2023/0351/BN	A	35, Oxford Street, Barry, CF62 6PA	Single storey side extension
2023/0352/BN	A	OakField Primary School, Amroth Court, Barry, CF62 9DU	Cabling works
2023/0353/BR	AC	Centre for Learning and Wellbeing (CLWB), Barry Road, Barry	Conversion of existing workshops to educational workshop facility for DT, mechanics and bricklaying
2023/0354/BR	AC	Former Ysgol Gymraeg Sant Baruc, St Paul's Avenue, Barry, CF62 8HT	Install new office within an existing room, install catering facilities, minor amendments to existing building, new electrical installations including CCTV, access control and power points, new data Installations, external fence to be installed to side of the building
2023/0355/BN	A	Three Tuns, Cowbridge Road, St Nicholas, CF5 6SH	Re-roofing of thatch roof
2023/0356/BN	A	40, Timbers Green, Llangan, CF35 5AZ	New structural opening for Bi-fold doors.
2023/0357/BN	A	7, Porfa Ballas, Rhoose, CF62 3LF	Knock through
2023/0358/BR	AC	2, Castle Court, Llantwit Major, CF61 1SX	Extension to existing dwelling

2023/0360/BR	AC	128, Westbourne Road, Penarth, CF64 3HH	Single storey flat roof rear extension to replace lean-to rear extension.
2023/0361/BN	A	57, Plasnewydd Walk, Llantwit Major, CF61 2YW	Conversion of attached garage into habitable room
2023/0362/BN	A	87, Monmouth Way, Boverton, Llantwit Major, CF61 2GU	Conversion of attached garage
2023/0363/BN	A	10, Court Close, Aberthin, CF71 7EH	Re-roofing
2023/0365/BN	A	19, Birch Grove, Barry, CF62 6SX	Loft conversion with dormer
2023/0366/BR	AC	Glan Yr Afon, Llancarfan, CF62 3AG	Single storey extension and internal works
2023/0367/BN	A W	12, The Paddocks, Penarth, CF64 5BW	Single storey extension 10-40m ²
2023/0373/BN	A	14A, Walston Road, Wenvoe. CF5 6AU	Removal of existing garage and replace with a single storey extension comprising of home office, WC, gym / hobby room and storage room
2023/0375/BR	AC	35, Vale Street, Barry. CF62 6JQ	Loft conversion for new bedroom
2023/0377/BN	A	18, Plas Essyllt, Dinas Powys. CF64 4QR	Single storey extension to replace conservatory for home office
2023/0378/BN	A	29, Canon Street, Barry, CF62 7RH	Single storey extension to rear less than 10m ²
2023/0379/BN	A	75, Salop Street, Penarth, CF64 1HG	Single storey shower/utility room
2023/0380/BR	AC	Flush Cottage, Flanders Road, Llantwit Major, CF61 1RL	Domestic single storey pitched roof extension
2023/0382/BN	A	27, Fairford Street, Barry, CF63 1BY	Installation of through floor disabled access lift
2023/0383/BN	A	1, St Michaels Close, Michaelston Le Pit, CF64 4HF	Single storey extension

2023/0384/BN	A	10, Sycamore Avenue, Eglwys-brewis, CF62 4JW	Re-roof
2023/0385/BN	A W	9, Shearwater Close, Penarth, CF64 5FX	Rear extension
2023/0386/BN	A	1, Glanymor, Boverton, Llantwit Major, CF61 1GZ	Single storey extension to rear
2023/0387/BR	AC	47, Stanwell Road, Penarth, CF64 3LR	Single storey extension and garden room
2023/0389/BN	A	St Andrews Major Primary School, St Andrews Road, Dinas Powys, CF64 4HB	Install data points with cabling
2023/0390/BN	A W	Castleby House, Peterston Super Ely, CF5 6LH	Single storey garden room
2023/0391/BN	A W	12, Dowland Road, Penarth, CF64 3QX	Single storey rear extension
2023/0392/BN	A	2, Clinton Road, Penarth, CF64 3JB	Internal alterations to create open plan kitchen / diner and relocation of WC / utility
2023/0393/BN	A	Watersedge, 29, Lynmouth Drive, Sully, CF64 5TP	Installation of roof light above ground floor bedroom within pitched roof structure
2023/0394/BN	A	3, Erw'r-delyn Close, Penarth, CF64 2TU	Single storey extension to rear (less than 10m2)
2023/0395/BN	A	15, Gaen Street, Barry, CF62 6JZ	Remove existing timber lintel and replace with steel making opening higher
2023/0396/BN	A	58, Craig Yr Eos Road, Ogmore By Sea, CF32 0PH	Removal of most of a small extension to the front of the property (leaving a small external boiler house attached) and making good the original exterior wall of the house, partly blocking up the current aperture, installing a new window and an inner, insulated stud partition. Also removing an internal wall and chimney stack and providing a replacement steel

2023/0397/BN	A	Aberogwrn Farm, Llancarfan, CF62 3AE	Roof covering replacement
2023/0398/BR	AC	75, Pontypridd Road, Barry, CF62 7LQ	Proposed rear single storey extension and new rear dormer loft conversion
2023/0399/BN	A	48, Westgate, Cowbridge, CF71 7AR	Single storey rear and side extension to provide increased kitchen / dining / living area
2023/0400/BN	A	18, Newbarn Holdings, St Athau Road, Flemingston, CF62 4QL	New bathroom on First floor, make new drainage connection for new ground floor toilet in existing outbuilding
2023/0401/BN	A	23, Millbrook Road, Dinas Powys, CF64 4BZ	Removal of internal wall and installation of steel beam
2023/0402/BR	AC	6, Cwrt Ty Mawr, Penarth, CF64 3PZ	Single storey extension to rear to extend kitchen, bi- folds, part garage conversion to utility
2023/0403/BN	A	11, Pembroke Terrace, Penarth, CF64 1DE	Loft conversion
2023/0404/BN	A	Ty Ar Y Bryn, Pendoylan Road, Gwern Y Steeple, CF5 6LX	Single storey rear extension and internal alterations
2023/0405/BR	AC	26B. Heol-y-fro, Llantwit Major, CF61 2SA	Single storey side extension
2023/0406/BN	A W	17, Glastonbury Road, Sully, Penarth, CF64 5PZ	Single storey rear extension and garage conversion
2023/0407/BN	A	115, South Road, Sully. CF64 5SP	Re roof
2023/0408/BN	A	26, Marine Drive, Barry. CF62 6QP	Garage conversion
2023/0409/BN	A	4, Goldsland Walk, Wenvoe. CF5 6FD	Partial garage conversion to habitable room including side window

2023/0410/BR	AC	18, Robinswood Crescent, Penarth. CF64 3JE	Single storey wrap around extension
2023/0412/BN	A	Penarth Library, 9 - 10, Stanwell Road, Penarth. CF64 2YT	Installation of two data outlets, one in the basement and another on the ground floor
2023/0413/BN	A	62, Heol Cae Pwll, Colwinston, CF71 7PL	Single storey extension and garage conversion
2023/0414/BN	A W	4, Dulverton Drive, Sully. CF64 5EW	First floor extension above existing garage conversion to include bedroom and bathroom, infill to front elevation ground floor.
2023/0415/BN	A	Community Building, Belle Vue Park, Albert Crescent, Penarth. CF64 1BY	Installation of four data outlets
2023/0416/BN	A	20, Dylan Close, Llandough, Penarth. CF64 2PA	Install modern wood burning log burner in living room of home. External stainless steel twin wall flue system to be used. Stove to be Ecodesign compliant and DEFRA exempt
2023/0417/BN	A	61, Phyllis Street, Barry. CF62 5UX	Take down existing rear lean to extension, replace with new extension to house WC / shower room. Refurbish interior finishes, take down chimney breast and fit new Velux
2023/0418/BN	A W	11, The Meadows, Ystradowen. CF71 7TR	Single storey rear extension and knock through between dining room and kitchen
2023/0419/BN	A	15, Kestrel Way, Penarth. CF64 5FN	Demolish existing porch and construct new. Adapt existing garage (detached) and construct new single storey garden room. Installation of steel beams to make open plan and installation of bi folds to rear

2023/0420/BN	A	Civic Offices, Holton Road, Barry. CF63 4RU	Installation of new fibre line from the server room located on the LGF to the Comms cupboard new the Council Chamber located on the ground floor
2023/0421/BN	A	48, Cosmeston Drive, Penarth. CF64 5FA	Conversion of an existing integral garage to a sitting room
2023/0422/BN	A	12, Plas Glen Rosa, Penarth. CF64 1TS	Replacement balcony, internal alterations and garage conversion
2023/0423/BN	A	12, Rudry Street, Penarth. CF64 2TZ	Removal of internal load bearing wall by installing beam
2023/0424/BN	A W	8, Wick Road, Ewenny. CF35 5BL	Conversion of existing 2 storey detached garage to dwelling
2023/0425/BR	AC	115, South Road, Sully. CF64 5SP	Demolition of existing conservatory and utility room. Construction of single storey garden room to the rear of the property. Construction of a single storey utility room to the side of the property
2023/0428/BN	A	17, Salop Street, Penarth, CF64 1HH	Single storey extension
2023/0429/BN	A	Ty Capel, Chapel Road, Broughton, CF71 7QR	Knock through internal wall
2023/0430/BN	A	2, Trem Mapgoll, Barry, CF63 1HD	Integral garage conversion to habitable room
2023/0432/BN	A	Iona, 17 Cae Rex, Llanblethian, Cowbridge, CF71 7JS	Extension of existing frontage (bay and garage) with addition of interconnected glazed / timber porch
2023/0434/BN	A	Caer Quarra, Cogan Pill Road, Llandough, CF64 2NB	Internal alterations/external ramps for disabled person

2023/0436/BN	A	Flat 1, 4, Marine Parade, Penarth, CF64 3BE	Remove conservatory roof, construct new roof with timbers to include 3 Velux windows, slate and insulate roof
2023/0439/BN	A	10, Victoria Square, Penarth, CF64 3EJ	Single storey extension
2023/0441/BN	A	98, Dock View Road, Barry, CF63 3QQ	Remove rear ground floor stack
2023/0442/BN	A	The Old Mill, Llansannor, CF71 7RX	Installation of a new 8PE Marsh Shallow sewage treatment system and ancillary drainage works

(b) Building Regulation Applications - Reject

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

2023/0364/BN	R	11, Stradling Place, Llantwit Major, CF61 1TJ	Create new structural opening for window
2023/0376/BN	R	23, Wenvoe Terrace, Barry. CF62 7ES	Re roof
2023/0381/BN	R	The Cottage, Kendal House, Penllyn, CF71 7RQ	Proposed alterations to existing property to form one bedroom studio annex
2023/0411/BN	R	Pencoedtre High School, Merthyr Dyfan Road, Barry. CF62 9YQ	Installation of a single data outlet

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

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

2023/0104/AI	A	Davimore House, Penllyn, Cowbridge. CF71 7RQ	Single storey extension
2023/0105/AI	A	54, Plymouth Road, Penarth, CF64 3DB	Conversion of care home to residential dwelling, single storey rear extension, first floor rear extension, internal structural alterations and construction of a detached garage
2023/0106/AI	A	Former Ewenny School	Part change of use of hall

		House and Community Hall, Corntown Road, Corntown, CF35 5BG	to integrate into existing dwelling
2023/0107/AI	A	46, Ffordd Cwm Cidi, Barry, CF62 6LJ	Single storey rear extension
2023/0108/AI	A	Merry Friars, Barry, CF62 5TQ	Change of use to 6 apartments
2023/0109/AI	A	6, The Mount, Dinas Powys. CF64 4DP	Repair of fire damaged roof works to incorporate material alterations to structure, fittings and thermal elements)
2023/0110/AI	A	7, Cowper Close, Penarth. CF64 2SU	Replacement of an existing conservatory roof
2023/0111/AI	A	13, Fforest Drive, Barry. CF62 6LS	Replacement of an existing conservatory roof
2023/0112/AI	A	21, Glebeland Place, St. Athan. CF62 4PQ	Dormer loft conversion to create a habitable room and bathroom at second floor level (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2023/0113/AI	A	Sunnycroft, Graig Penllyn, Cowbridge. CF71 7RT	Construction of timber frame car port, conversion and re-roof to existing garage (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2023/0114/AI	A	1, Castle Court, Llantwit Major. CF61 1SX	Single storey side extension
2023/0115/AI	A	Gladstone Primary School, Gladstone Road, Barry. CF62 8NA	1 no. single storey modular building to be used as a dining hall
2023/0116/AI	A	Unit 3, The Precinct, Llantwit Major. CF61 1XA	Proposed internal fit out of unit to allow use as a hot food takeaway. Works include associated external alterations including the redecoration of the existing shop front, new intake and

			extract system, air conditioning and cold room compressors
2023/0117/AI	A	15, Whitehall Close, Wenvoe. CF5 6DB	Replacement of existing conservatory roof with a Warm Roof System (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2023/0118/AI	A	Rhws Junior And Infants School, Fontygary Road, Rhoose, CF62 3DS	1 No. single storey modular building for use as a catering/dining hall facility
2023/0119/AI	A	65, St John's View, St Athan, CF62 4NZ	Single storey rear extension and internal alterations
2023/0120/AI	A	3, The Meadows, Corntown, CF35 5BD	Single storey extension to rear and associated works
2023/0121/AI	A	The School House, Penllyn, CF71 7RQ	Single storey rear extension
2023/0122/AI	A	19, Vale Street, Barry, CF62 6JQ	Two storey and single storey rear extensions

(d) Section 32 Building Act, 1984

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

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

2020/0286/BN
2020/0331/BR
2020/0357/BR

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 7 SEPTEMBER, 2023

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

2. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT 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

2013/00833/1/N MA	A	Opposite, Hensol Villas, Cardiff	Non-Material Amendment - Condition 9 (Drainage Details). Creation of sports training pitches, erection of maintenance facilities, associated car parking and internal roadway opposite Hensol Villas, Hensol. Planning Permission Ref: 2013/00833/FUL: Creation of sports training pitches, erection of maintenance facilities, associated car parking and internal roadway
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2018/01127/1/N MA	A	32, Robert Street, Barry	Non Material Amendment - I am looking to install cladding to only the rear of the property elevation. I am looking to have the side elevation and front elevation rendered and painted as per plans. Planning permission ref: 2018/01127/FUL - 2 storey side extension and ground floor rear extension
2019/00796/5/C D	A	The Meadows, Peterston Super Ely	Discharge of Conditions 12 (Importation of Soil) and 13 (Use of Site Won Materials) of planning permission ref. 2019/00796/FUL : Demolition of the existing dwellings and associated out buildings. Replacement dwelling with new ancillary buildings and open air swimming pool
2021/00013/1/N MA	A	3, Bingle Lane, St. Athan	Non Material Amendment - Ground floor to be altered from garage to lounge and amended parking to front garden. Planning approval 2021/00013/FUL - Proposed first floor side extension and amended frontage to existing side extension
2021/00363/3/C D	A	Belle View Park, Belle Vue Terrace, Penarth	Discharge of Condition 8 (Active Travel Information). Planning permission ref: 2021/00363/RG3 - Demolition of existing bowling pavilion and adjacent ancillary buildings, and removal of 3 no. existing trees. Construction of new shared use community building and associated

			external works to create level pedestrian access
2021/00805/FUL	A	2, Gaen Street, Barry	Change of use and enclosure of part of the lane between Hall's Memorials and 2 Gaen Street to enlarge garden
2021/00971/FUL	A	The Beeches, Penllyn	Two storey extension to existing dwelling to provide recreational amenity space and guest bedroom
2021/01760/2/N MA	A	26, Cwrt Y Vil Road, Penarth	Non Material Amendment - Minor layout amendments to proposed extension, including increasing the size of the utility room/pantry area, with some window positions altered - Extension to be finished in white render as opposed to metal cladding; Garden room to be finished in fibre cement cladding plus metal cladding against boundaries - as opposed to timber - as requested by building control (due to risk of fire spread); Velux windows added to garden room
2022/00076/FUL	A	53, The Parade, Barry	Porch addition to front elevation
2022/00125/FUL	A	58, Porth y Castell, Barry	Two storey side extension. Single storey extension to the rear of the property. Loft conversion, flat roof dormer to the rear of the property. Driveway extended to allow for additional parking space
2022/00131/1/N MA	A	Foxes Hollow, Michaelston Le Pit	Non Material Amendment to the wording of Condition 5, to omit reference to prior to the beneficial use of the

			manege or hay barn hereby approved (whichever is the sooner) relating to planning permission ref: 2022/00131/FUL - Proposed erection of hay barn and formation of horse manege
2022/00388/LAW	A	2, Winsford Road, Sully	To demolish dwarf wall and erect new fence in line with neighbours block wall
2022/00395/1/N MA	R	St. Brides Court, St. Brides Major	Non Material Amendment - Small scale extensions to the approved outbuildings. An external spa to the pool outbuilding. An external plant enclosure to the studio/gym outbuilding. Planning permission ref: 2022/00395/FUL - Construction of 2 No. outbuildings gym/studio and pool and garage, to compliment proposed two storey detached dwelling
2022/00526/FUL	A	91, Porth y Castell, Barry	First floor extension above existing garage to provide two bedrooms and bathroom. Continuation of half roof (covering bay window and porch) to extend to end of garage
2022/00872/RG3	A	Ysgol Y Deri, Sully Road, Penarth	Retention of temporary school building to accommodate additional pupil places
2022/00912/1/N MA	A	Duffryn House, The Causeway, Llanblethian	Porch addition and remodel of ground floor interior, Non material amendment for Additional sky light to be added to the south (Garden) side of the porch. Original reference 2022/00912/FUL

2022/00927/1/N MA	A	Glanavon, Piccadilly, Llanblethian	Rear windows and biofolds to have clear glass instead of crittal design. Amendment to permission for two storey side and rear extension. Alterations to porch and front elevation. Widening of the front drive. Creation of outdoor seating area with pergola (Original ref 2022/00927/FUL)
2022/00947/FUL	A	Land at Gileston Road, St. Athan	1 no. 3 bed detached house and car parking for 3 cars
2022/01027/1/N MA	A	17, Glastonbury Road, Sully	Non Material Amendment - Reduce high cill window to allow for lintel, replace home office window with door, replace rooflight with sun tunnel. Planning permission ref: 2022/01027/FUL - Single storey rear extension, high cill side window and internal renovations
2022/01085/FUL	A	Pantylladron, St Hilary, Cowbridge	Replacement dwelling and improved driveway access
2022/01146/LBC	A	6, Pwll Y Min Crescent, Peterston Super Ely	Replacement of windows and front door
2022/01164/FUL	A	Holiday Inn Express, Port Road, Rhoose	Removal of condition 2. on 2017/00778/FUL to enable car parking to be used without being incidental to the use of the hotel
2022/01305/FUL	A	Pantwilkin Stables, Aberthin	Equine rehabilitation building
2022/01319/FUL	A	Land North East of Milverton, Peterston Super Ely	Erection of stables for personal use of occupiers of Milverton and as an ancillary equine dentist use with associated works.

2022/01333/FUL	A	Cwrt Yr Ala House, Michealston Le Pit Road, Michaelston Le Pit	Kitchen alterations and construction of a new single storey orangery (to replace existing conservatory)
2022/01346/FUL	A	Wrinstone House, Cwrt y Ala, Michaelston Le Pit Road, Michaelston Le Pit	Erection of a separate, single storey pool house building, and the conversion of existing gym above garage into bedroom accommodation with a balcony.
2022/01380/FUL	A	White Rock, Craig Yr Eos Avenue, Ogmre By Sea	Variation of Conditions 1, 2, 4, 5, and 7 of Planning Permission 2016/00661/RES: Construction of 3/4 bedroom detached dwelling with integral garage at Plot 2, Craig Yr Eos Avenue
2023/00020/FUL	A	38, Cae Ffynnon, Cowbridge	Use of the land for siting a mobile home for use ancillary to the main dwelling
2023/00074/FUL	A	23, Park Road, Barry	Alterations to part of the existing rear outbuilding, comprising change of use from store to games room, changes to window and door designs, removal of existing lean to roof structure and replace with flat roof to form extended garden terrace, all with associated external works
2023/00124/FUL	A	Thistlefield, Primrose Hill, Cowbridge	Single storey glazed extension, internal and external material alterations
2023/00153/FUL	A	Highlands, Pendoylan Road, Pendoylan	The construction of an equestrian menage / exercise paddock for own personal use

2023/00157/1/N MA	A	16 Laburnum Way, Penarth	Non-Material Amendment - To omit the rear ground floor patio doors and window and replace both with 4 no. Bi-fold doors Planning Permission ref: 2023/00157/FUL: Two storey and single storey rear extensions. Rear dormer loft conversion.
2023/00175/OUT	A	23, Crossfield Road, Barry	Outline planning consent for two detached dwellings on land adjacent to 23 Crossfield Road, Barry
2023/00184/FUL	A	7, Porthkerry Road, Barry	Two storey extension to rear of property. Internal remodelling to part of existing
2023/00204/FUL	A	Land to the east of 250 Barry Road, Barry	Removal of air raid shelter and installation of a Remembrance Garden
2023/00212/FUL	A	5, Boverton Road, Llantwit Major	Demolition of existing utility. Proposed front and rear single storey extensions and side 2 storey extension
2023/00213/FUL	A	HSBC, 61, High Street, Cowbridge	Minor internal and external works to accommodate for branch closure. Removal of external ATM, with internal and external apertures infilled with matching materials. Removal of external signage and CCTV equipment. Removal of internal branch furniture / equipment
2023/00225/1/C D	A	Endless, Peterston Super ELy	Discharge of Condition No. 3 (Biodiversity Enhancement Details). Planning Permission Ref: 2023/00225/FUL:

			Retention of log cabin as a permanent dwelling for Endless Acres Stud worker
2023/00226/FUL	A	39, Westbourne Road, Penarth	Fitting of solar panels to two areas of the roof within Penarth Conservation Area. 1. Side elevation on rear extension. 2. Side elevation to party wall on rear extension
2023/00248/FUL	R	26, Llanmead Gardens, Rhoose	Proposed dormer loft conversion, dormer clad in Cedar Weather Board all other finishes to match existing
2023/00255/FUL	R	1, Grove Terrace, Penarth	Demolition of existing rear annexe walls and construction of part single storey part two storey extension
2023/00281/LBC	A	Village Hall, Corntown Road, Corntown	Currently the main hall, annex and utility room is part of a community village hall. Part change of use from non residential institution (D1) to Residential (C3). The rest of the building already has residential status. Introduction of mezzanine floor over the main hall to accommodate an extra bedroom. A snug being proposed between the existing utility and ground floor bedroom. A new annex connecting the two existing outbuildings. A new garden room at the rear

2023/00282/FUL	A	Village Hall, Corntown Road, Corntown	Currently the main hall, annex and utility room is part of a community village hall. Part change of use from non residential institution (D1) to Residential (C3). The rest of the building already has residential status. Introduction of mezzanine floor over the main hall to accommodate an extra bedroom. A snug being proposed between the existing utility and ground floor bedroom. New annex connecting the two existing outbuildings. New garden room at the rear
2023/00288/FUL	A	Brynhill Golf Club, Little Brynhill Lane, Barry	Proposed practice facility comprising of removable bays on concrete slab
2023/00289/FUL	A	Pentwyn House, Pendoylan Road, Pendoylan	Installation of a solar PV system on the South and West facing roof pitches
2023/00292/FUL	A	The Meadows, Peterston Super Ely	Change of use to residential to provide a modest extension to the domestic garden
2023/00293/FUL	A	89, Queens Road, Penarth	Propose to build a single storey extension to the rear of the property, which will include a roof top balcony with privacy glass surroundings. An external staircase from the garden will be incorporated to provide access the balcony
2023/00316/FUL	A	52, Castle Avenue, Penarth	Proposed two storey rear extension and new front porch. Finishes: New white smooth render finish, grey windows, black fascia and rainwater goods, new concrete roof tiles

2023/00317/FUL	A	7, Westfield Drive, Penarth	Double storey extension
2023/00334/FUL	A	15, Clinton Road, Penarth	First floor extension above existing garage at the side of the dwelling to provide ensuite to master bedroom
2023/00340/FUL	A	5, Milton Road, Penarth	Hip to gable loft conversion with raised ridge height for dormer. Rear single storey extension with flat roof and lantern style skylights
2023/00344/FUL	A	42, Baron Road, Penarth	Enlargement of rear dormer window in existing attic storey, as approved under 2022/01172/FUL
2023/00350/FUL	A	The Mill, Llandough, Cowbridge	Single storey fully glazed rear extension to existing converted Mill, conversion of existing former Coach House to study, and creation of fully glazed potting shed in existing former pigsty
2023/00357/OBS	S	Land at Parc Crescent and Brocastle Avenue, Waterton, Bridgend (P/23/148/FUL)	Erection of a building for vehicle preparation, maintenance and MOT testing (Class B2/B8) and associated offices, external storage yard, loading and unloading areas, parking, vehicle wash, landscaping, re-grading and associated works
2023/00358/FUL	A	27, Willow Close, Penarth	Proposed loft conversion complete with dormer to rear and raising of ridge height. New window to rear gable
2023/00360/FUL	A	Momentive Speciality Chemicals, Sully Moors Road, Sully	1.3 MW Solar PV system for on-site usage

2023/00384/FUL	A	1, Windsor Place, Penarth	Rear single storey side extension and dormer front and back of property. New driveway and access at front of property
2023/00388/FUL	R	Peartree Cottage, Marcross	Demolition of existing double garage and lean too store. Erection of new double garage with open plan office above within the roof space.
2023/00393/FUL	A	Windsor Lawn Tennis Club, Larkwood Avenue, Penarth	The proposed addition of LED floodlighting to 2 tennis courts
2023/00398/FUL	A	14, Anchor Road, Penarth	Powder coated steel balcony with associated glass balustrade to rear of property
2023/00401/FUL	A	1, Chapel Terrace, Twyn Yr Odyn, Wenvoe	Single storey rear infill conservatory style garden room. Glass panel roof, doors and windows walnut finish upvc to match existing property
2023/00405/ADV	A	29, Park Crescent, Barry	Post and panel sign facing road
2023/00409/FUL	A	Land off Porthkerry Road, Rhose	Form 1.4m high equine stock proof fence
2023/00412/FUL	A	7, Beaumont Close, Barry	Proposed single storey rear extension with associated external works
2023/00415/FUL	A	Select, 139-141, Holton Road, Barry	Change of use from A1 to A1/A3
2023/00420/LAW	A	1, Shelley Crescent, Penarth	Proposed hip to gable loft conversion and rear dormer
2023/00429/FUL	A	4 Craig Yr Eos Avenue, Ogmore By Sea, Bridgend	Dormer roof construction and provision for off road parking

2023/00438/FUL	A	12, Sycamore Crescent, Barry	Demolition of existing garage to create new single storey side and rear extension
2023/00439/FUL	A	Barry Building Services Ltd., 20, Plymouth Road, Barry	A change of use from Class E (g) i , to a Class C3 (a). The dwelling house is to be internally altered to allow for a bedroom and bathroom upstairs, along with a kitchen and living/dining area below
2023/00441/FUL	A	Rhws Junior and Infants School, Fontygary Road, Rhoose	Single storey canteen building with dining room and kitchen
2023/00445/FUL	R	Ishton Barn, Lon Cwrt Ynyston, Leckwith	Single storey extension to the rear of the property
2023/00448/LAW	A	36, Cross Street, Barry	The entire property is used as residential use and has been for the past 8 years with structural changes
2023/00452/FUL	A	39, Glyndwr Avenue, St. Athan	Proposed single storey side extension
2023/00453/FUL	A	72, Stanwell Road, Penarth	Construction of conservatory, provision of solar panels, alterations to existing windows and doors, renovation and alterations of existing garage, demolition of lane wall and replace with metal gate and provide hardstanding
2023/00461/FUL	A	29, Augusta Road, Penarth	Single storey wraparound and loft extension to existing bungalow; demolition of existing workshop; associated alterations and refurbishments to existing including new windows, finishes and heat pump installation; associated

			alterations to hard landscaping, front boundary wall and driveway
2023/00473/FUL	A	14, Ceri Road, Rhoose	Single storey wrap around extension (front, side and rear) to provide accessible living accommodation
2023/00477/FUL	A	15, Gaskell Close, Boverton, Llantwit Major	First floor extension above existing converted garage with rear extension. Change of windows to accommodate fire safety measures
2023/00479/FUL	A	10, Denbigh Drive, Boverton	Erect a first floor balcony area over existing side porch, with a stainless steel glass handrail
2023/00481/FUL	A	20, Heol Pilipala, Rhoose	Erect a tiled roof storm porch to the front elevation
2023/00482/FUL	A	Castleby House, Peterston Super Ely	New single storey contemporary rear extension
2023/00486/FUL	A	St. Giles House, Brook Farm, Llanmaes	Continued use of land as residential garden in association with St. Giles House
2023/00489/FUL	A	26B, Heol Y Fro, Llantwit Major	Single storey side extension
2023/00499/FUL	A	82, Cog Road, Sully	Single storey rear extension to create open plan kitchen/family space
2023/00501/FUL	A	14, Meliden Road, Penarth	Single storey side/rear extension. Loft conversion comprising hip to gable and dormer to rear. Existing driveway access widened

2023/00505/FUL	A	75, George Street, Barry	Change of use of property from 3 bed dwelling (Use Class C3) to 5 bed HMO (Use Class C4)
2023/00507/FUL	A	12, Merganser Court, Barry	New external ramped access with all associated works
2023/00508/FUL	A	Llancadle House, Access Road To Kenson Cottages Llancadle	Demolition of existing conservatory for the construction of a new single storey rear extension with associated raised planting beds, rear terrace and extension to first floor roof terrace
2023/00511/LAW	A	33, Arno Road, Barry	Part time use of home as a Childminder.
2023/00521/FUL	A	26, Beaufort Way, Rhoose	Single storey rear extension with flat roof to form family room
2023/00522/FUL	R	St. Andrews House, 21, West Farm Road, Ogmore By Sea	Proposed roof and primary facade alterations, ground floor rear single storey extension and driveway alterations to include new access and triple garage
2023/00523/FUL	A	Unit 1, 1 Birds Lane, Cowbridge	Refurbishment of shopfront and replacement signage
2023/00524/ADV	A	Unit 1, 1 Birds Lane, Cowbridge	Refurbishment of shopfront and replacement signage
2023/00529/FUL	A	76, Fonmon Road, Rhoose	Existing garage to be removed and re-built as garden room to incorporate study space, utility area and storage area
2023/00534/LAW	A	159, Barry Road, Barry	Construction of garden room/studio and home gymnasium with shower room

2023/00535/FUL	A	Black Tab, 12, Paget Road, Barry	Variation of Condition 9 of Planning Permission 2009/01104/FUL for the refurbishment of 12, Paget Road to provide A3 use cafe/restaurant to lower ground and ground floor with proposed rear extension to extend the existing residential dwelling to floors above
2023/00537/FUL	A	The Laurels, 6, Walston Road, Wenvoe	Extension to the rear of the house. Partly two storey, partly additional storey on top of the existing single storey kitchen and utility. An existing single storey side extension is to be removed
2023/00546/FUL	A	3, Sycamore Avenue, Eglwys Brewis	Single storey extension to rear of property and addition of two storey extension located to gable side of existing property.
2023/00552/FUL	A	Mill Farm, Llandow	Proposed Installation of a 12 panel ground mounted solar panel system, using GSE mounting kit, within land to north of main house
2023/00553/FUL	A	West Lodge, Crossways, Cowbridge	Proposed double and single storey side extension
2023/00556/FUL	R	26 and 27, Crompton Way, Ogmore By Sea	Proposed single storey side garage extension for 2 adjacent properties
2023/00563/FUL	A	The Cottage, Kendal House, Penllyn	Proposed alterations to existing property to form one bedroom studio annex

2023/00566/FUL	R	Ty Isaf, Drope Road, Drope	New single storey extension on the site of former agricultural building. It is intended to plant a native stock hedge along the west facing boundary fence adjacent to the Village Hall car park to provide privacy and help with biodiversity
2023/00571/FUL	R	179, Pontypridd Road, Barry	Ground floor extension to reconfigure living space together with first floor extension to create larger bedroom
2023/00573/FUL	A	96, Lavernock Road, Penarth	Single storey flat roof extension to rear of property, part two storey extension and rear flat roof dormer to loft space.
2023/00575/LAW	A	98, Port Road East, Barry	Proposed single storey extension to rear of existing domestic dwelling to replace existing conservatory
2023/00581/FUL	A	12, Plas Glen Rosa, Penarth Portway, Penarth	A balcony and changes to house frontage and window size from planning permission granted ref: 2022/01204/FUL.
2023/00585/FUL	A	7, Lower Farm Court, Rhose	Proposed extension to existing garage (single storey)
2023/00596/FUL	A	Purlon Farm, Wick Road, Llantwit Major	Proposed two storey extension and other alterations to property
2023/00598/FUL	A	Jocelyn, 39, Boverton Brook, Boverton	Conversion of existing garage to living accommodation for disabled family member, comprising converting garage door opening to window, relocating external

			door on rear elevation, new ramp to front of building
2023/00605/PNT	A	Land at Cowbridge Bypass, Penllyn	The installation of 20m high slim-line monopole, supporting 6 no. antennas, 2 no. equipment cabinets, 1 no. electric meter cabinet and ancillary development thereto
2023/00606/FUL	A	12, Kipling Close, Penarth	Proposed single storey wrap around extension to left side of property including new front porch. Rear single storey extension
2023/00608/FUL	R	31, Whitcliffe Drive, Penarth	Extension to the front 1st floor, ground floor side and rear. Addition of a porch and balcony to the front of the house. Floor added over the garage, addition of a balcony to connect with the house. Alterations to the front and rear garden. Alterations to the internal layout. Alteration to the exterior of the house. Drop kerb to be extended for wider drive. A boundary wall added around the perimeter of the front garden
2023/00621/FUL	A	37, Clos Ogney, Llantwit Major	Single storey rear and wrap around side extension. A section of the existing garden wall to be removed and reinstated as part of the extension wall
2023/00627/PNA	A	Marcross Farm, Dimlands Road, Marcross	A new agricultural building for a micro scale AD System to generate renewable energy

2023/00636/FUL	A	Whitewebbs, Penllyn	Construction of stonework columns and extending the existing roof over an existing balcony
2023/00639/FUL	A	Albert Road Surgery, Albert Road, Penarth	Alterations to facade of existing building, installation of solar PV panels to roof, alterations to existing Velux skylight sizes and alterations to existing gates
2023/00640/ADV	A	Albert Road Surgery, Albert Road, Penarth	Replacement of existing lettering on gate "ALBERT ROAD SURGERY" in gold with new lettering "ADVANCE DENTAL CARE" in gold
2023/00644/FUL	A	2, Elm Grove Lane, Dinas Powys	Installation of 7kw Air Source Heat Pump to side elevation facing 3 Elm Grove Lane
2023/00651/FUL	A	47, Fairfield Rise, Llantwit Major	First floor side extension over garage
2023/00658/FUL	A	15, Britten Road, Penarth	Partial demolition of existing detached garage and construct a larger garage on site. All finishes to match existing
2023/00666/FUL	A	7, Marine Drive, Ogmore By Sea	Demolition of existing sub-standard garage - Single storey side extension
2023/00669/FUL	A	14, Pantycelyn Road, Llandough, Penarth	Proposed single storey rear extension
2023/00673/FUL	A	The Newlands, Ewenny Road, St. Brides Major	Two new front dormers to the front and an enlargement to the existing rear dormer with internal alterations. A replacement of the existing sunroom and minor external alterations to the patio areas

2023/00674/ADV	A	Green Willow Funerals Ltd., 21B, Station Road, Dinas Powys	2 no. Internally illuminated folded aluminium fascia
2023/00675/FUL	A	3, Clos Yr Erw, Penarth	Loft conversion with rear dormer and front facing roof windows. Installation of solar panels on the roof
2023/00686/FUL	A	101, South Road, Sully	Single storey extension to the front of the property with roof terrace above. Single storey extension to the rear of the property. Single storey covered porch with open sides to the east side of property. New turning area to be provided off the existing driveway
2023/00688/FUL	A	Overway, Park Road, Penarth	External disabled toilet and store plus separate garden room, all single storey within garden of existing house
2023/00709/FUL	A	Trosfaen, 4, Windmill Lane, Llanblethian	Proposed loft conversion with dormers to the front and rear elevation, first floor extension above existing garage, new roof, proposed porch extension and alterations to fenestration.
2023/00723/FUL	A	12, Harbour View Road, Penarth	Proposed loft conversion complete with dormers to rear. New rooflights and 'cabrio' balcony system to front elevation
2023/00728/PND	A	Pwll Y Wrach, Colwinston	Demolition of squash court building. The building has fallen into a state of disrepair

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 7 SEPTEMBER 2023

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

3. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2023/00070/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-02796-Q6X2S4
Appellant: John McQuade
Location: **Tregolan House, Bradford Place, Penarth**
Proposal: Proposed driveway to front with public footpath
vehicle cross over
Start Date: 14 July 2023

LPA Reference No: 2022/01193/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-02832-W5B9X6
Appellant: Mr. Michael Hatter
Location: **Caerleon House, 4, Rhoose Road, Rhoose**
Proposal: New two storey extension to front/side
elevations to infill space formed by a previous
extension. New single storey extension to rear
to replace existing conservatory and utility room.
Reconfiguration of main roof and inclusion of
new dormer provision at front and rear
Start Date: 27 July 2023

(b) Enforcement Appeals Received

LPA Reference No: ENF/2021/0102/PRO
Appeal Method: Written Representations
Appeal Reference No: CAS-02593-Y8Y4X3
Appellant: D Clarke & Mariclaire Dominique Clarke
Location: **Land at Brooklands, Brook Lane, St. Nicholas**
Proposal: Without planning permission, the carrying out of
operational development comprising the
substantial alteration and conversion of a barn in
the countryside into a residential dwelling and
the construction of an unauthorised extension
linking two converted barns at Brooklands.
Start Date: 16 August 2023

LPA Reference No: ENF/2021/0216/PC
Appeal Method: Written Representations
Appeal Reference No: CAS-02525-Y8X0Z4
Appellant: Michael Murphy
Location: **Land at Sefton Quarry, Penmark, Rhoose**
Proposal: Without planning permission, the material change of use of the Land from a nil use to the storage and siting of shipping containers, a portacabin, other structures and miscellaneous items.
Start Date: 22 August 2023

(c) Planning Appeal Decisions

LPA Reference No: 2022/01369/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-02687-T3X0W7
Appellant: Callum Couper
Location: **4, St. Augustines Place, Penarth**
Proposal: Proposed loft conversion complete with rooflights to front and dormer with Juliette balcony to rear
Decision: Appeal Dismissed
Date: 30 June 2023
Inspector: Helen Smith
Council Determination: Delegated

Summary

The main issue was the effect of the proposed rear dormer on the character and appearance of the area, having regard to its location in the Penarth Conservation Area (CA). The proposed dormer would be sited on the rear roof plane of the property and extend the entire width of the roof, joining onto the roof of the rear two storey gable projection. The Inspector considered that its scale, width and flat roof would result in a boxy and disproportionate roof addition which would dominate the rear roof plane and its set back below the ridge line and eaves would do little to mitigate its dominance.

The proposal would be seen primarily in the context of the generally simple and unaltered rear elevations of the southern end of the terrace, and despite being at the rear of the property, it would co-exist with the attractive uniform frontages of the dwellings on Belle Vue Terrace. The French doors and Juliette balcony would also fail to match the pattern and size of the fenestration of the dwelling, exacerbating its visual dominance.

Although views would be largely limited to passers-by travelling in an easterly direction along Belle Vue Terrace, the proposal would nevertheless be a prominent addition that would stand out as an overtly bulky and unsympathetic form of development. Whilst accepting that the rear of Belle Vue Terrace was characterised by a large number of boxy roof dormers, the Inspector considered they were not generally visible from any important

vantage points, and did not inform the character of the Belle Vue Terrace street frontage from where the appeal proposal would be clearly visible.

The Inspector acknowledged that dormers were not unusual features within the CA, but considered that their prevalence was mostly confined to the rear of terraces where they had limited or indirect visual impacts on consistent street frontages and prominent thoroughfares. Whilst the appeal proposal was also at the rear of a terrace, it was concluded that its individual circumstances were not the same, and that the proposed development would cause material harm and fail to preserve the character and appearance of the CA. This would be contrary to policies SP10, MD2, and MD8 of the LDP and the objectives of the SPG and the appeal was therefore dismissed.

LPA Reference No:	2022/01230/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-02725-J8B6M3
Appellant:	Phil and Linda Saunders
Location:	17, Ardwyn Walk, Dinas Powys
Proposal:	Existing balcony to front elevation to be extended complete with new finishes and glazed balustrading
Decision:	Appeal Allowed
Date:	24 July 2023
Inspector:	Zoe Baxter
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 located within a residential cul-de-sac of large modern homes and had an existing balcony recessed above the front door between two feature bay windows.

The proposed development involved an extension to the existing front balcony approximately 1.75m from the edge of the existing balcony and would be within 5m of the highway. The steel posts to support the balcony extension and new glass balustrading would be sited forward of the elevation and within the open front garden which adjoins the estate road.

The Inspector acknowledged that the use of contemporary materials would be a contrast with the heritage style properties but did not consider this contrast to represent poor design. She also considered that the use of frameless glass balustrading and two slimline steel support posts would result in the proposal having a transparency that would retain views of the defining features of the host dwelling, as well as the open nature of the street scene.

The width of the balcony would appear proportionate to the existing dwelling and it would not be a dominant structure causing harm to the front elevation of the dwelling. Furthermore, whilst acknowledging the position of the property, its prominent street frontage and that the balcony would extend beyond the

principal elevation and bay windows, the Inspector considered that it would be broadly in line with the front gable of neighbouring property and would not cause harm to the existing building line or the character and appearance of the immediate area. It was concluded that the proposed development would not unacceptably impact on the character and appearance of the locality and would therefore accord with Policies MD2 and MD5 of the LDP, the SPG and TAN 12. The appeal was therefore allowed and planning permission was granted subject to conditions.

LPA Reference No:	2022/00232/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-02669-P0B9K7
Appellant:	Mr Ali Alzahid
Location:	36, Pill Street, Cogan, Penarth
Proposal:	Single storey rear extension, first floor rear extension, loft conversion including rear dormer with alteration to rear garage to convert property into two self-contained two bed flats with external alterations (Amended roof design to that approved in 2020/00374/FUL)
Decision:	Appeal Allowed
Date:	8 August 2023
Inspector:	I Stevens
Council Determination:	Delegated

Summary

The Inspector acknowledged that the single-storey and first floor rear extensions had been built over the common boundary with No. 37 Pill Street, however confirmed that land ownership was a separate civil matter relating to private legal rights and was unaffected by the granting of planning permission.

The main issue was considered to be the effect of the development on the living conditions of the occupiers of No. 37 Pill Street with regard to outlook.

The appeal site comprised a terraced dwelling, with dwellings located either side of the property. The extensions ran alongside the rear garden of No. 37 Pill Street and both the single-storey and first-floor extensions had been built closer to No. 37. The officer report indicated that the extensions were about 0.2m closer to no. 37, than the previously approved scheme although the appellant suggested a lesser figure of about 0.1m.

The Inspector identified that the as-built extension had a roof which was similar in its pitch to the first-floor roof extension, with eaves about 3.1m in height, and a ridge height of about 3.7m. However, the roof was set in from the wall facing No. 37, with a concealed gutter running along the upper edge of the wall and the effect of these alterations had been to move the eaves back from the edge of the wall facing No. 37 to the inside of the concealed gutter. Together with the shallow pitch of the roof which sloped away from the garden of No. 37, these features were considered to moderate the impact of

the overall height increase which did not have a significantly different effect on outlook from within the property, compared with approved flat-roof extension.

The Inspector recognised that the view towards the appeal site from within the garden No. 37 had changed because of the extension, however noted that the extant permission was for a similar form of development, which had established the principle of an extension of similar scale at the appeal property. The alterations to the approved scheme did not unreasonably enclose the immediate outlook from the garden of No. 37 and the marginal differences in the position of the flank wall of the ground-floor extension and roof height compared with the approved scheme did not significantly affect the outlook from the rear facing window serving No. 37.

The first-floor extension was similar in depth and roof form to the previously approved scheme, although it had been built closer to No. 37 and was slightly wider than the approved scheme. The Inspector noted that a first-floor rear-facing window at No. 37 was positioned near the extension but was satisfied that the impact of the extension on the outlook from this window was not significant given that there was only a peripheral impact. It was therefore concluded that the development did not have a significantly adverse effect on the living conditions of neighbouring residential occupiers, in terms of outlook from No 37 and satisfied Policies MD2 and MD5 of the LDP and Residential & Householder Development SPG. The Inspector therefore determined that the appeal should be allowed and planning permission was granted subject to conditions.

LPA Reference No:	2022/00248/OUT
Appeal Method:	Written Representations
Appeal Reference No:	CAS-02391-Z4X0Y6
Appellant:	Mr and Mrs Leonard and Vivien Richards
Location:	Derelict buildings at Siop Newydd, Heol Las, Monknash
Proposal:	Conversion of derelict barn and farmhouse to create a dwelling and office as part of a live work arrangement
Decision:	Appeal Dismissed
Date:	18 August 2023
Inspector:	I Stevens
Council Determination:	Delegated

Summary

The main issues were considered to be whether the proposed development complies with local planning policy relating to the conversion and change of use of buildings in the countryside and whether the proposal would result in a sustainable pattern of development, having regard to its accessibility to local services and facilities. The proposal was to convert the stone buildings into a dwelling and separate office/storage space, with the steel building replaced by an area of horticulture. There was an extant planning permission at the appeal site, for the conversion of buildings to holiday accommodation.

Buildings in the countryside

The Inspector identified that criterion 3 of Policy MD11 of the LDP supports residential conversions where it is demonstrated that the building has been appropriately marketed for other alternative uses such as farm diversification, business, community, tourism, or recreational uses and it has been demonstrated that such alternative uses are not viable.

The appellant had set out reasons why the appeal site had not been marketed, including the condition of buildings and the economic benefits arising from the proposed live-work arrangement. The Inspector identified however that the extant permission had been accompanied by a structural survey which concluded that the buildings were capable of conversion without substantial reconstruction, extension, or alteration and found no reason to disagree with that position.

In relation to the economic benefits arising from the live-work arrangement, the Inspector considered that the appellant's property business would be an ancillary element to the principal residential use. Although the appellant had suggested the economic benefits of holiday homes were more limited, TAN 6 advises that conversions for holiday use can contribute more to the rural economy than residential schemes and may reduce pressure to use other houses in the area for holiday use.

Although the appellant had also provided an estimate of the building works and income generation from the extant holiday lets scheme, suggesting that banks would be unlikely to accept financing, it did not necessarily follow that the property was unsuitable for alternative uses where it had not been marketed for those potential uses in the first place. There was no indication that the appeal site had been marketed for a range of uses, the duration and extent of any marketing efforts, and the associated prices. The Inspector could not therefore conclude that proper consideration had been given to alternative uses that would benefit the rural economy and the proposal was therefore contrary to Policy MD11 of the LDP and the Conversion and Renovation of Rural Buildings SPG.

Sustainability

Criterion 4 of Policy MD11 supports residential conversions where the location of the building is sustainable in terms of access to local services, public transport, and community facilities. Policy MD1 also supports new development on unallocated sites that have access to or promote the use of sustainable modes of transport which aligns with PPW, in seeking to reduce reliance on the private car and increase walking, cycling and use of public transport.

The appeal site is located between the villages of Marcross and Monknash, where there is a public house and bus stop within about 10 minutes' walk of the appeal site. The village of Wick is approximately 1.6km north of the appeal site which is classed as a 'minor rural settlement' in the LDP and has a range of local facilities and services.

The Inspector identified that walking, and cycling opportunities would be available to access local needs and considered that bus services to Wick,

Llantwit Major and beyond was also a realistic alternative option and demonstrated that a realistic alternative to private car use was available in this location. Having regard to the accessibility of local services and facilities, it was therefore concluded that the proposal would result in a sustainable pattern of development and comply with Policies MD1 and MD11 of the LDP, PPW and the Conversion and Renovation of Rural Buildings SPG.

Planning Balance and Conclusion

It was concluded that the proposal would not give rise to harmful effects in terms of its location and access to local services and facilities, however the, the harm resulting from the proposed conversion to residential use was a compelling reason why planning permission should be withheld and it was therefore concluded that the appeal should be dismissed.

LPA Reference No:	2022/00903/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-02401-N2Z3X4
Appellant:	Mrs K Jones
Location:	Whips Bungalow, Llandough, Cowbridge
Proposal:	Proposed detached garage, repositioned entrance drive with access onto the highway, and curtilage extension, which will allow safe vehicular access onto the highway
Decision:	Appeal Dismissed
Date:	23 August 2023
Inspector:	I Stevens
Council Determination:	Delegated

Summary

The main issues were considered to be the effect of the proposal on the character and appearance of the surrounding area, having regard to the Upper & Lower Thaw Valley Special Landscape Area (SLA) and Biodiversity.

Character and appearance

The proposal would utilise the existing track to create a new driveway off Heol Las and a vehicle parking and turning area would be located towards the upper end of the driveway, with a detached garage replacing the shed. A roof garden would be provided on top of the garage and accessed via an external staircase and the existing property access and driveway would be blocked up and landscaped.

The Inspector identified that the proposal would extend the property curtilage beyond its existing boundary but would use an existing access and track, which runs adjacent to the property and would not be a significant incursion into open countryside. It was recognised that some land reprofiling and engineering works to accommodate the proposed development would be expected but it was considered that the information provided to demonstrate a workable solution was limited and it was unclear what excavation, filling or retaining works would be required, including the associated construction methods and materials.

Whilst it was recognised that the proposal would deliver highway improvements to the appeal property through a new access, turning area and parking spaces, the Inspector considered that it was difficult to visualise the extent of works required to the appeal site and was concerned that an overly engineered solution to the steep embankment would be harmful to the rural character of the area, with consequential localised harm to the attributes of the SLA. It was therefore concluded that there was not sufficient information to conclude there would be no material harm to the character and appearance of the area and the proposal would fail to comply with the design and locational objectives of Policies SP10, MG17, MD1, MD2 and MD12 of the LDP.

Biodiversity

It was identified that no ecological appraisal had been provided to assess any nature conservation issues pertaining to the site and the Inspector considered that the evidence before him did not address any ecological issues of local importance and there was also a lack of information on the track position relative to the nearby trees, which could potentially affect root coverage. He was therefore unable to come to a positive finding that the proposed development would be satisfactory on ecological matters and the proposal therefore failed to comply with Policies MD2 and MD9 of the LPDP, along with advice in TAN 5.

It was therefore concluded that the appeal should be dismissed.

(d) Enforcement Appeal Decisions

LPA Reference No:	ENF/2020/0399/PRO
Appeal Method:	Written Representations
Appeal Reference No:	CAS-02337-W4H5D7
Appellant:	Simon Baston
Location:	Land at West Orchard Farm, St. Athan, CF62 4LW (Land behind the properties of Holland House, The Sycamores, and Old Copse, Llantwit Road, St. Athan)
Proposal:	Without planning permission, the material change of use of the Land from agriculture to a mixed use of agriculture and the storage of construction materials, other miscellaneous items and plant/machinery and the siting of a pre-fabricated container and other associated buildings.
Decision:	Appeal Dismissed
Date:	1 August 2023
Inspector:	R Jenkins
Council Determination:	Committee

Summary

The appeal related to an area of land located to the north of the residential properties located along the northern flank of Llantwit Road in St. Athan and comprised agricultural land, broadly divided into field parcels separated by an agricultural track, trees and shrubs. The easternmost parcel was used for the storage of a variety of construction related paraphernalia, some of which was located behind security fencing and on the westernmost parcel of land, there was some evidence of materials being stored, including security fencing and a pallet located to the northern section, against the boundary fence.

The appeal under ground (b) - that the matters that constitute the alleged breach of planning control have not occurred as a matter of fact.

It appeared to be common ground that the matters alleged within the Notice had occurred on the easternmost parcel of land. The ground (b) appeal was therefore made on the basis that the two fields comprised distinct planning units and that the westernmost parcel of land had not been the subject of the matters that constituted the alleged breach of planning control.

The Inspector indicated that whilst the submitted evidence indicated that storage at the westernmost site had not been as intensive as that on the eastern side of the agricultural track and associated hedgerow, there was sufficient evidence to suggest that it has been used for the storage of, amongst other things, old paint tins, timber and plastic containers. Whilst the appellant had contended that the issue would be better addressed through the Section 215 of the Act (relating to untidy sites), the Inspector was satisfied that the photographic evidence, supplemented by interested party representations, was sufficient to confirm that the westernmost parcel of land had been used for the storage of construction materials and/or miscellaneous items that appeared to constitute construction waste. As this was broadly consistent with the wider use of the land on the easternmost field, he was also satisfied that the planning unit had been reasonably and accurately defined.

Whilst recognising the fact that a scheme for the residential development of the westernmost parcel of land was under consideration, there was nothing to suggest that this would have any bearing on the ground (b) appeal. It was therefore concluded that the Council's consideration of the planning unit was both reasonable and accurate and that the matters that constituted the alleged breach of planning control had occurred as a matter of fact and that the appeal under ground (b) must therefore fail.

The appeal under ground (d) - that at the time the Enforcement Notice was issued, it was too late for enforcement action to be taken against the matters that constitute the alleged breach of planning control.

The Inspector noted the appellant had claimed that the use of the land had occurred for a period of over 21 years and this was supported by a number of sworn statements, with the appellant's own statement stating that the eastern field had been used, since around 2001. The appellant had also referred to a number of aerial photographs in an attempt to demonstrate that the land had been used for the storage of building materials over the requisite period. It was confirmed by the Inspector that to benefit from immunity through the

provisions of Section 171B of the Act, a continuous use for a period of 10 years or more must be demonstrated. He identified that some of the evidence provided did not confirm a connection with the storage use subject of the Enforcement Notice or the continuous use of the site and the aerial photographic evidence included gaps of between 3 and 5 years. This brought into question the issue of whether or not the use of the land had been continuous. The appellant's own reference to the use of the land as an 'overflow area' with 'a high turnover of materials, which come and go as and when they have been required' also did little to demonstrate continuous use and thereby quash the concerns that the storage use had been inconsistent or on an ad hoc basis over the relevant immunity period.

The Inspector considered the appellant's evidence was far from compelling. It was well established that the burden of proof was on the appellant in such cases and the Council's overall concerns appeared to be corroborated by the thrust of the evidence, including a number of interested party representations which conflicted with the appellant's contention that the storage of materials had been consistent for over 10 years. It was therefore concluded that it had not been satisfactorily demonstrated, on the balance of probability, that the land subject of the Enforcement Notice had been used for the matters alleged within the Notice for a continuous period of 10 or more years and the appeal under ground (d) must fail.

Overall Conclusions

It was concluded that the appeal should be dismissed and the Enforcement Notice upheld.

(e) April 2023 – March 2024 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	7	2	9	-
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		7 (78%)	2 (22%)	9	-
Committee Determination		1	1	2	-
Other Planning appeals (inc. appeal against a condition)		-	-	-	-
Enforcement Appeals	W	1	-	1	1
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		1	-	1	1
All Appeals (excludes non validation appeals)	W	8	2	10	1
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		8 (80%)	2 (20%)	10	1

Background Papers

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

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF SUSTAINABLE DEVELOPMENT

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 7 SEPTEMBER, 2023

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved
E Split Decision

R - Refused

Trees

2022/01184/TPO	R	Celtic View, 10, Madoc Close, Dinas Powys	Oak tree in front garden - Thin the crown by 25%
2023/00516/TPO	A	5, Court Close, Llantwit Major	Take down standalone Ash as per recommendation from professional risk assessment undertaken by Aborwood Tree Care (marked T04)
2023/00567/TCA	A	Ty Bragdy, Llangan	Work to tree(s) in a conservation Area: Reduction of Sycamore crown in rear garden; reduce by approximately 2m all round, including height
2023/00570/TCA	A	Greyfriars, Llysworney	Work to Tree(s) in a Conservation Area : Poplar tree - in the rear garden of the property- 30% reduction and crown re-balance

2023/00616/TPO	A	Rowan, Llancarfan	Pollard Sycamore tree in rear garden to 20ft/6m approx. Remove leaning Ash stem in rear garden. Reduce height of mature row of Leylandii in front garden by half to 30ft approx
2023/00625/TCA	A	Ty Gardd, Colwinston	T1 - Conifer - Removal
2023/00645/TCA	A	The Rectory, Gwern Y Steeple, Peterston Super Ely	G1- A group of 3 Hybrid black poplars, located in the rear garden (as shown on the plan in the attached report)- Proposed work- 2 to 3m crown reduction. G2 and T3- 1x weeping willow, 1x Lawson Cypress, 1x Common ash in the rear garden. Proposed work- Fell to ground level. G3- 2x Common ash in the front garden (as shown on the plan in the attached report.) Proposed work- Sever and remove 1m ivy bands and remove epicormic shoots from the base of the trees. T1- A goat willow in the rear garden (as shown on the plan in the attached report) Proposed work- Coppice to 30cm. T4- Common beech in the rear garden. Proposed work- reduce south eastern crown by 2-3m

2023/00661/TPO	E	Ty Celyn, Mill Lay Lane, Llantwit Major	G1 - Removal of Leylandii trees due to proximity to neighbouring property / poor quality trees (looking to replant). T1 - Removal of Leylandii tree due to proximity of boundary fence line / compromised basal structure / vitality of tree. T2 - Removal of Leylandii tree due to proximity to boundary fence line and potential damage to this. T3 - Removal of Sycamore tree due to damaging stone wall, recently re-pointed due to cracking/damage and advised by builder that the tree is causing the cracking
2023/00665/TPO	A	South of St. Andrews Road. Woodland is known as Coed Yr Argae	Works to trees covered by Tree preservation order No. 4 1951
2023/00680/TCA	A	Holy Cross Church, Church Street, Cowbridge	Crown lift Yew trees off Church building. Remove two Holly trees along rear wall of churchyard
2023/00700/TCA	A	Windrush, School Lane, Llancarfan	Removal of Ash tree in front garden behind shed
2023/00713/TCA	A	13, Southesk Place, Barry	Work to Trees in a Conservation Area: Remove Cypress (1) and Apple (2) closest to the area of damage. Remove regrowth annually as it emerges from Apple

2023/00720/TPO	A	1, Bryneithin, Dinas Powys	<p>Work to tree covered by PTO No.14 of 1973 : T2 Lime which overhangs the primary school entrance - Pollard at 8m, reduce retained lower laterals to 1.5m from parent stems. Longitudinal crack in association with secondary stem union at 3m. Secondary stem leaning/weighted over adjacent school site. Deadwood >75mm diameter present. Necrotic bark/associated exposed non-living heartwood ground level to >6m</p>
2023/00733/TCA	A	Ivy House, Flemingston	<p>Work to tree in Flemingston Conservation Area: Removal of Bay Willow due to a concern of potential damage to the garage and the contents inside, tree is also obstructing view for neighbours. A replacement smaller tree will be replanted in its place</p>
2023/00734/TCA	A	18, Bridgeman Road, Penarth	<p>Work to Tree in Penarth Conservation Area: T1 - Elm - Prune back branches that overhang Marie Curie site by 2 metres</p>

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 7 SEPTEMBER, 2023

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

5. ENFORCEMENT ACTION

a) LAND AND BUILDINGS AT 49, PONTYPRIDD ROAD, BARRY

Executive Summary

This report seeks authorisation to issue an Enforcement Notice (EN) under section 172 of the Town and Country Planning Act 1990 (as amended) in respect of a roof terrace, raised patio area and block screen wall which have been constructed at the rear of the property. The principal issue is the potential overlooking of neighbouring properties and the resulting loss of privacy for the occupiers of those properties and unacceptable visual impact.

This matter was previously reported to the Planning Committee on 3rd March 2022 and enforcement action was authorised against the matters identified above and also a rear dormer window which had been erected. Following the issuing of the EN on 13th April 2022 and lodging of an appeal, information was submitted which indicated that the dormer window had been constructed under 'permitted development' (PD) and the EN was therefore withdrawn on 22nd February 2023. Since then, officers have met with the landowner and his planning agent to try to agree an appropriate scheme for the site as an alternative to issuing a further EN. No suitable alternative has however been put forward or application submitted seeking to regularise the position and the existing development remains unauthorised and is unacceptable. The report therefore recommends that a further EN is issued to require the use of the roof terrace to cease and the removal of the roof terrace, raised patio area and block screen wall. Authorisation is also sought to pursue legal proceedings in the event that the EN is not complied with.

Background and Site Description

1. A complaint was received on 26 January 2021, regarding the carrying out of development that was not in accordance with a Lawful Development Certificate (LDC) previously granted under application 2019/00668/LAW at number 49, Pontypridd Road, Barry. At the same time, a query was also raised by the Council's Building Control section regarding the use of the flat roof of the single storey rear extension as a balcony / roof terrace.
2. The site to which this complaint relates, number 49 Pontypridd Road is a semi-detached property located in the Barry settlement boundary. Adjacent properties are generally bungalow properties although a number appear to have provided accommodation at first floor level with both Velux and dormer windows incorporated into the front and rear elevations. Properties are located in a consistent building line and are regularly spaced with driveways in

between and are on land which is slightly raised up from the pavement and highway.

3. The site and its relationship with surrounding properties is identified on the plan below:

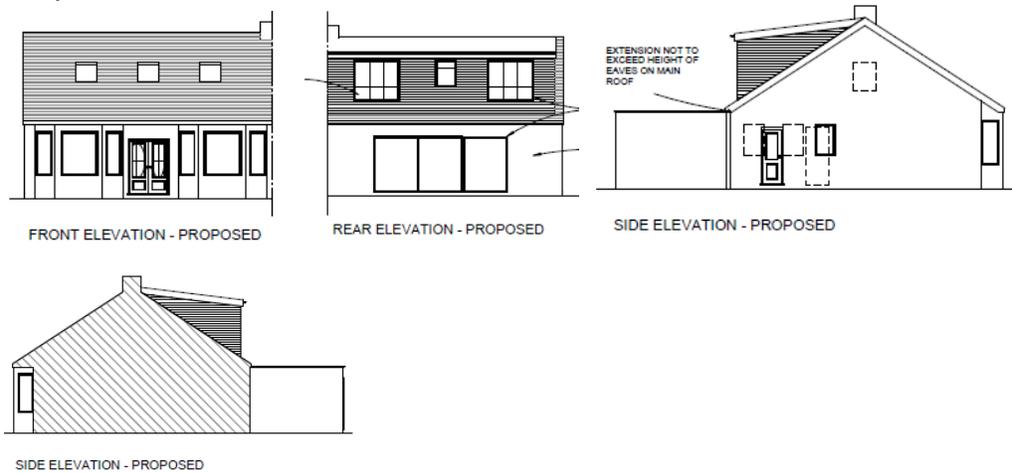


4. The LDC previously submitted by the owner of the property related to the construction of single storey rear extension, rear dormer to loft conversion and three Velux windows to the front (2019/000668/LAW). The development was determined as falling within Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 which relates to the enlargement, improvement or other alteration of a dwelling house and its roof and was therefore considered to be 'permitted development' (PD) and planning permission was not therefore required. The LDC was granted on 24th July 2019.
5. The rear ground floor extension was shown as having a depth of approximately 4m extending out from the rear of the property (which is the maximum depth that can be constructed under PD) and had a maximum eaves height of 2.7m (the maximum height under PD being 3m). The dormer was shown not exceeding the height of the existing roof and was set back from the eaves of the existing roof by 30cm (although the minimum distance required under PD is 20cm). The plans of the existing property and proposed alternations under the LDC are shown below:

Existing



Proposed



6. A photograph showing the rear of the property before development commenced is shown below (right-hand side):



Details of the Breach

7. Following the receipt of the complaint and correspondence with the site owner, the exchange of photographs of the development and a site visit being undertaken, a number of differences between the development proposed under the LDC and that being constructed were identified. In relation to the rear extension, whilst the footprint of the development was in accordance with the dimensions of that shown in the LDC i.e. 4m in depth by 9m in width, the roof had been constructed at a height of 3.1m to the eaves, rather than the 2.7m shown in the LDC. This increase in height means that the rear extension no longer falls within PD limits and requires planning permission.
8. A further change that has been identified between the development proposed under the LDC and that now provided is that the roof of the rear extension has been constructed in such a way that it now forms a roof terrace. Although no railings or other means of enclosure have been provided around the roof terrace (with the exception of a block wall on the south-east side), it is clear from the method of construction and applications that have since been submitted that a roof terrace has been constructed which requires planning permission.
9. On the south-east side of the rear extension, a block wall has been constructed on top of the side wall of the rear extension which appears to have been designed as a screen wall in connection with the roof terrace. The height of this wall at approximately 4m, exceeds the height of a wall which can be constructed under PD and therefore requires planning permission. The photograph below shows the block wall on the right-hand side of the extension.



10. During the investigation, it was also identified that the rear extension was being built onto and tied into the external wall of a neighbouring property, with

no Party Wall Agreement being in place. As Members will be aware, issues affecting land ownership and property rights are private matters over which the Council has no jurisdiction and such issues cannot therefore affect its decision in relation to the planning merits of a case or the taking of enforcement action.

11. The design of the dormer roof extension, whilst appearing to be constructed in accordance with the design and dimensions shown in the LDC i.e. approximately 4m in depth by 8m in width, was initially considered to have been extended further forward to intersect with the top of the roof of the extension which would have required planning permission. This was also the position originally represented in the retrospective applications submitted on the landowners behalf, however it was subsequently demonstrated that the rear dormer had been constructed with a gap of at least 20cm between the bottom of the dormer and the original eaves which meant that it fell within PD and did not therefore require planning permission.
12. The LDC application for the dormer window detailed two bedroom windows and a smaller bathroom window in the rear elevation of the dormer and two 'French' full height doors have now been installed which enable access to be provided from the dormer directly onto the roof terrace which has been constructed on top of the flat roof extension. It is noted however that full height doors could have been installed in the dormer shown in the LDC application under PD rights and the change from bedroom windows to the French doors does not therefore change the position in respect of the dormer being PD and not requiring planning permission.



13. During the initial investigation, it was also identified that a raised patio had been constructed to the rear of the extension which runs along the width of the new extension and provides a patio area with steps down into the garden. At a constructed height of 70cm above the existing ground level, this exceeds the PD rights for raised patios which is 30cm and therefore requires planning

permission. The photograph above shows the raised patio which extends across the whole width of the rear extension.

14. Whilst not forming part of the original complaint received by the Council, the landowner has also constructed an 'L' shaped 'play room' which is located in the southern corner of the garden adjacent to the rear boundary, although the building is currently being used as a home office. This building has a depth of 6.3m, width of 6.5m and height of between 2.75m and 2.85m and as it exceeds a height of 2.5m within 2 metres of the boundary of the property, it also requires planning permission. The play room / home office is the building to the left shown in the photograph below:



15. At the time this matter was previously considered at the Planning Committee, it was reported that a timber 'play house' had been constructed in the western corner of the garden. Further investigation of the planning history of the site identified however that this structure had been constructed over 4 years ago and would therefore be immune from any enforcement action. The play house is the building to the right shown in the photograph above.
16. Council officers have recently been advised that a new building has recently been constructed in the western corner of the garden located adjacent to the 'play room / home office' building. An investigation has therefore been commenced into whether this new building has been constructed under PD or requires planning permission.

Action Pursued to Date

17. Following the receipt of the initial complaint on 26th January 2021, the landowner was contacted initially by telephone and then by email on 29th January 2021 and requested to confirm the full details of the changes he was undertaking. It was advised that until the position could be established, he

should stop any further works that did not comply with the LDC previously granted (2019/00668/LAW).

18. It was subsequently confirmed to the landowner on 2nd February 2021 that based on the photographs he had submitted on 1st February 2021, planning permission was required for the roof terrace on the top of the extension, the block screen wall and the rear raised patio, if this exceeded 30cm above ground level.
19. On 8th February 2021, the Council was contacted by the owner's father who was acting as his planning agent and asked officers to confirm the planning objection to the roof structure. He suggested that the point of contention was the amount of the flat roof used as a terrace and suggested that this could be overcome by limiting the depth of the roof terrace and the erection of a glazed barrier across the width of the roof to prevent encroachment to the roof edge.
20. In response, officers confirmed on 17th February 2021 that the main concerns regarding the roof terrace was the potential overlooking into neighbouring gardens and the resulting loss of privacy and also, the visual impact of any screens that would be necessary to prevent overlooking. Having considered the planning agent's suggestion of reducing the depth of the terrace, it was not considered that this would acceptably prevent views over the gardens of nearby properties and the loss of privacy that occupiers of those properties would experience from anyone looking down from such close proximity, would be unacceptable. It was therefore confirmed that it was unlikely that any planning application submitted proposing a roof terrace (or a reduced terrace) would be supported and he was again advised not to proceed with any further works that did not comply with the LDC.
21. As no response was received and works were continuing at the property which were considered to be unauthorised and unacceptable, it was confirmed to the owner on 22nd March 2021 that officers were considering taking enforcement action.
22. Later on the same day, a planning application was submitted via the Planning Portal by the owner seeking to use the surface of the flat roof of the existing approved rear extension as a roof terrace. The application was subsequently registered under the reference 2021/00428/FUL. Whilst the description of the application only made reference to the use of the flat roof, the submitted details showed the roof terrace extending across the full width and depth of the single-storey extension, with 1.1m high privacy walls and 0.6m high glazed amenity screens on top on either side and a glazed safety barrier across at the rear. It was also confirmed that the blockwork of the rear extension would be clad in charcoal coloured zinc panelling, however no further reference was made to the rear extension or raised patio area which were also considered to require permission.
23. On 23rd March 2021 a site inspection was undertaken in order to confirm whether unauthorised works were continuing and to determine whether enforcement action was expedient. The owner confirmed at the time that it was his intention to use the roof of the extension as a roof terrace and install balcony screens and he confirmed that he had submitted a planning

application. Whilst the owner had been advised on 17th February 2021 not to undertake any further works, it was clear that further unauthorised works had since been carried out at the site.

24. Following correspondence sent to the owner's agent on 9th April 2021 in respect of additional information required to validate the planning application, the application was subsequently withdrawn by the planning agent on 15th April 2021, who advised that it was his intention to reapply.
25. Following further correspondence sent to the owner's agent, he confirmed on 26th May 2021 that a further planning application would be submitted by the end of the month.
26. On 3rd June 2021, a further planning application was submitted to alter the flat roof design which was to be used as a roof terrace including French windows to the upper rear bedrooms and the retention of a games room at the bottom of the garden (2021/00822/FUL). The submitted details again showed the roof terrace extending across the full width and depth of the single-storey extension. Whereas on the previous application 1.1m high privacy walls with and 0.6m high glazed amenity screens were shown on either side and a glazed safety barrier across at the rear, this application showed a change on the northern elevation with a 1.1m high timber upstand fence with obscure glazed panels on top. The application also included details of the 'L' shaped play room located at the bottom of the garden with dimension of 6.3m in depth by 6.5m in height and a height of between 2.75m and 2.85m. Due to various details missing from the application, it was however unable to be registered as a valid planning application.
27. On 11th June 2021, further correspondence was sent to the planning agent identifying that no reference had been made in the application or on the plans to the raised patio area to the rear of the extension which he had been advised also required planning permission. The planning agent subsequently submitted details on 21st June 2021 for the raised patio area at the rear, which were to be added to the application. These showed the patio extending the whole width of the rear extension constructed at a height of 69cm above the level of the garden and with a 1.05m wall at the northern end and steps leading down into the garden at the south.
28. On 30th June 2021, further correspondence was sent to the planning agent asking what further progress had been made towards the submission of the revised application as the Council had written on 17th June 2021 requesting the submission of a further plan to enable application 2021/00822/FUL to be validated.
29. On 13th July 2021, following the validation of the application, it was confirmed to the planning agent that the proposed development was unacceptable and whilst he suggested that he would be able to design something with acceptable impacts, no further amendments were received.
30. In response to further correspondence sent on 2nd August 2021 to the planning agent requesting confirmation of whether it was his intention to submit amended plans, he confirmed on 5th August 2021 that he was

preparing amended plans and requested to view various comments that had been received regarding the application.

31. In response, the planning case officer confirmed on 6th August 2021 that the Council did not consider that a privacy screen would acceptably mitigate the unacceptable overlooking from the balcony.
32. On 12th August 2021, confirmation was received by the planning agent that he wished to withdraw application 2021/00822/FUL and that he was intending to submit a clearer application following consultation with his clients. The application was therefore withdrawn on 16 August 2021.
33. Following the withdrawal of the second application and given that it seemed unlikely that the position would be satisfactorily resolved through a planning application, further consideration was given to the expediency of taking enforcement action. Whilst both of the planning applications that had been submitted to regularise the development had proposed the use of the first floor of the extension as a roof terrace, the development had not been completed or privacy screens erected and there was no evidence to suggest that the area had been used for this purpose.
34. On 21st October 2021, the owner was asked to confirm how he was proposing to resolve the position in relation to the unauthorised development undertaken and it was advised that unless the position was resolved, enforcement action would be considered. It was confirmed that an amendment to the first floor patio doors installed within the dormer in order to prevent the use of the first floor extension roof, the removal of the raised block screen wall on the south-eastern side of the extension and the installation of suitable privacy screens for the raised patio in order to prevent overlooking of neighbouring properties may overcome officers' concerns regarding the existing development. Any such amendment would however need to be sought through an application for planning permission and there was therefore no guarantee that permission would be granted.
35. The owner's planning agent responded on 27th October 2021 confirming that there had been no further development, however he was able to submit a further application when his clients agreed the content.
36. Further correspondence was sent to the owner and his planning agent on 9th November 2021 confirming that the development remained unauthorised and various elements were considered to be unacceptable. Whilst recent application submissions had explored the possibility of using the new flat roof as a roof terrace, the latest scheme was considered to facilitate a level of overlooking that would be detrimental to the occupiers of nearby properties and any reduction in the useable roof terrace area was unlikely to overcome this concern. As it was considered at the time that the existing dormer extension with French doors needed to be regularised, it was suggested that the retention of the dormer included some form of railing fixed across the doors preventing access onto the flat roof would overcome concerns regarding potential overlooking in the future. This would also need to include the removal of the raised unauthorised block screen wall that had been constructed on the

south-eastern side of the extension, which was considered to be visually detrimental.

37. In respect of the new raised patio area, it was confirmed that the current arrangement facilitated a level of overlooking that was detrimental to the occupiers of nearby residential properties. In order to overcome these concerns, it was suggested that suitable privacy screens to a height of 1.8 metres would need to be installed at both ends of the raised patio in order to restrict the overlooking of neighbouring properties, albeit set off the boundary from the neighbour to prevent the screens themselves having unacceptable impacts. It was confirmed that there had been sufficient time to enable the unauthorised development to be made acceptable and regularised and officers were therefore proposing to report this matter to the Planning Committee with a recommendation for enforcement action.
38. Following the publication of the 3rd March 2022 Planning Committee agenda on 23rd February 2022, a further planning application was submitted on 27th February 2022 seeking the: 'retention of rear dormer window, rear single storey extension and raised patio area with proposed timber screen and games room in rear garden. Use of part of roof of single storey rear extension as roof terrace with proposed privacy screens' (2022/00272/FUL). The application proposed a roof terrace restricted to a depth of 2 metres with an obscured privacy barrier, a slatted privacy screen to the north-west elevation and obscured glazed privacy barrier to the south-east elevation. Despite further amendments being discussed including a reduction in the depth of the roof terrace to 1.6m, these were not considered sufficient to prevent overlooking of the neighbouring properties and the application was therefore refused on 23rd June 2022.
39. As identified above, following the issuing of the EN on 13th April 2022 and lodging of an appeal, information was submitted by the owner through the appeal process which demonstrated that the dormer window had been constructed under PD.
40. At the time the EN was withdrawn on 22nd February 2023, officers contacted the owner's planning agent in order to arrange a meeting to discuss the remaining unauthorised development and to identify whether an acceptable scheme could be agreed as an alternative to issuing a further EN.
41. A meeting was arranged on 14th March 2023 with the owner and his planning agent to discuss the remaining unauthorised development and various suggestions were put forward which were considered to overcome officer's concerns. These suggestions included reducing the depth of the roof terrace to 1.2m and the provision of 1.8m high obscured privacy screens at both ends of the terrace angled away from the boundary, thereby obscuring any views from the French windows. The owner was offered the opportunity of submitting draft amendments on which officers could comment prior to him submitting a further planning application seeking to regularise the development.
42. As no further information was submitted several weeks following the meeting, the landowner was given a deadline of 15th May 2023 to submit a revised proposal, failing which further consideration would be given to whether further

enforcement action was considered expedient. On 19th June 2023, some revised details relating to the raised patio were received which proposed to extend the height of the existing fence to a height of 600mm above the existing fence for the width of the patio. On 3rd July 2023, revised details for the roof terrace were submitted detailing the roof terrace reduced in depth to 1.5m, separated from the remaining roof by a 1.1m wooden fence panel and with a 1.1m high obscured glazed panel attached to the front wall of the extension and returned along the adjoining wall with no. 51 to prevent overlooking. It was subsequently confirmed that a 1.8m high screen was proposed on the northern boundary between the end of the obscured panel and the rear elevation of the dormer.

43. In response, the planning case officer confirmed on 10th August 2023 that the proposed screening for the patio appeared to be an appropriate solution to address the privacy issues, however concerns remained regarding the depth of the roof terrace and the potential overbearing impact of the proposed screening on neighbouring properties. It was confirmed that a full assessment would be carried out as part of any formal submission, however no suitable alternative has been put forward or planning application submitted.
44. Following the withdrawal of the previous EN in February 2023 and meeting in March 2023, it is considered that the landowner has had sufficient opportunity to submit an acceptable revised planning application, which would enable the development to be appropriately amended to overcome officer's concerns. In the absence of an appropriate application seeking to regularise the position, the development remains unauthorised and unacceptable.

Planning History

45. The site benefits from the following planning history:

2019/00668/LAW: Single storey rear extension, rear dormer to loft conversion and three Velux windows to front – granted 24 July 2019.

2021/00428/FUL: To use the surface of the flat roof of the existing approved rear extension as a roof terrace - withdrawn 15 April 2021.

2021/00822/FUL: Alter the flat roof design to get an improved finish between the roof and the main building. French windows to the upper rear bedrooms. Flat roof as a roof terrace. Retention of a games room at the bottom of the garden – withdrawn 16 August 2021.

2022/00272/FUL: Retention of rear dormer window, rear single storey extension and raised patio area with proposed timber screen and games room in rear garden. Use of part of roof of single storey rear extension as roof terrace with proposed privacy screens – refused 23 June 2022.

Planning Legislation

46. 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

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

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY

Managing Development Policies:

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES

POLICY MD9 – PROMOTING BIODIVERSITY

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

Future Wales: The National Plan 2040:

50. 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:

51. National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the matters considered in this report.
52. 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.
53. The following chapters and sections are of particular relevance in the assessment of this planning application:
54. 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)
55. Chapter 3 - Strategic and Spatial Choices
 - Good Design Making Better Places

Technical Advice Notes:

56. 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:

57. 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
Balconies, Roof Terraces, Raised Patios and Decking
- 8.12.1.Key principles:
- i. The development must not result in direct and close range views into the habitable rooms of adjoining properties.
 - ii. The development should not result in an unacceptable degree of overlooking into the garden of a neighbouring property.
 - iii. Balconies and roof terraces should not dominate the elevation to which it is attached. Where attached to a semi-detached property, they should not unbalance the pair.
 - iv. The detail and materials used should complement the character of the property.

Privacy

9.2.1. A sense of privacy within a house and a private garden area is fundamental to the enjoyment of a residential property (i.e. residential amenity).

9.2.2. New development that has a negative impact on the existing level of privacy enjoyed by a neighbour should be avoided wherever possible. Where new development results in an unavoidable impact, careful consideration must be given to its design to ensure that the impact is kept to an acceptable level so as to safeguard your neighbour's existing residential amenity.

Welsh National Marine Plan:

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

Other relevant evidence or policy guidance:

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

59. 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

60. National planning guidance advises that when deciding whether to take enforcement action, the principal issue for the Council should be whether the unauthorised development would have an unacceptable effect on public amenity and in all cases, the Council is required to consider the expediency of taking action. Enforcement action should not be pursued simply to regularise development which is otherwise acceptable in planning terms and is likely to be granted planning permission.

61. The main planning issues arising from this case are the impact of the development on neighbouring properties and the amenity and character of the area. LDP Policy MD2 relating to design, requires that new development safeguards existing residential amenity, particularly with regard to privacy, overlooking, noise and disturbance. In relation to development within settlement boundaries, Policy MD5 requires development to be of a scale, form, layout and character that respects its immediate setting and wider surroundings. The Council's Residential and Householder Development SPG also contains further guidance in respect of roof terraces and raised patios and confirms that development should not result in an unacceptable degree of overlooking into the garden of a neighbouring property.
62. In this case, although the owner has undertaken development which exceeds that which was granted under the LDC (2019/00668/LAW) and planning permission is therefore required for much of the development including the rear extension, roof terrace and raised rear patio, any assessment of the acceptability of that development must take into account the development that could be undertaken under 'permitted development' (PD), which essentially represents the 'fall-back' position.

Rear Single-Storey Extension

63. As identified above, whilst the footprint of the development is in accordance with the dimensions of that shown in the LDC i.e. 4m in depth by 9m in width, the roof has been constructed at a height of 3.1m to the eaves, rather than the 2.7m shown in the LDC. Whilst this increase in height means that the rear extension no longer falls within PD limits and requires planning permission, the increase over the PD limit of 3m is not considered to be material and the visual difference between an extension constructed to a height of 3m and one at 3.1m would not be significant. It is therefore considered that had a planning application been submitted to construct a rear extension to a height of 3.1m, it is likely to have been considered acceptable in planning terms based on its visual impact.
64. It is recognised that the increase in the height of the roof from 2.7m shown in the LDC to 3.1m has been undertaken to accommodate a roof terrace and further consideration of this is provided below.
65. During the Council's investigation, officers have been made aware of issues regarding the construction of the extension and the impact on an adjoining property, however these are private matters relating to land ownership and the method and quality of construction and are not matters in which the Council can become involved. They cannot similarly affect the Council's decision regarding the taking of enforcement action.

Construction of Roof Terrace

66. Whilst the construction of a roof terrace did not form part of the LDC application the roof of the rear extension has been raised, altered and reinforced for this purpose and its proposed use as a roof terrace has been included in all of the planning applications submitted to the Council in 2021 and 2022, two of which were subsequently withdrawn (2021/00428/FUL and 2021/00822/FUL) and the last of which was refused (2022/00272/FUL).

67. Having assessed this proposal as part of each application, officers are not however satisfied that the construction of this roof terrace is acceptable as it would result in direct and uninterrupted views of neighbouring properties and overlooking of their gardens which would result in an unacceptable loss of privacy and be contrary to Policy MD2 of the LDP and the Residential and Householder Development SPG. This harm would be exacerbated by the substantial size of the terrace and the scope/intensity of activities that it could accommodate.
68. Following the withdrawal of the EN, officers have met with the landowner and attempted to secure an appropriate amendment to the existing roof terrace that would overcome their concerns primarily in relation to overlooking. However the subsequent submissions made by the landowner have not taken account of the recommendations made by officers and do not overcome their concerns.
69. Whilst no railings or other means of enclosure have been constructed (with the exception of the block wall along the south-east side), the whole of the area above the rear extension has been constructed to provide a roof terrace and the occupier of the property and others have been able to gain direct access to the roof terrace via the two French doors in the dormer window.
70. In the absence of a planning permission with appropriate conditions, the roof terrace would become lawful (i.e. immune from enforcement action) after 4 years and thereafter the Council would not be able to prevent its unrestricted use which would be likely to result in an acceptable level of overlooking and loss of privacy for neighbouring properties. Consequently, it is considered necessary and expedient for the enforcement action to prevent this scenario occurring. Such action would include the requirement to cease the use of and remove the roof terrace which has been constructed.



View to the south across garden of no. 47 Pontypridd Road



View to the north across garden of no. 51 Pontypridd Road

Block Screen Wall on side of Extension

71. The large block screen wall that has been constructed on the south-east side wall of the rear extension has been designed as a screen wall in connection with the roof terrace. The height of this wall on top of the extension is considered to be intrusive and does not respect the scale and character of surrounding buildings which are single storey in nature and also has a detrimental impact on the amenities of the adjoining property as well as from Pontypridd Road, from where it is visible. As no planning permission has been granted for the roof terrace, it is considered expedient that enforcement action should be taken to secure the removal of the wall down to the roof height of the ground floor extension.

Dormer Extension

72. The rear dormer that has been constructed does not accord with the previous LDC that was approved relating to the site (2019/00668/LAW), however following further information submitted by the landowner, it has been determined that the dormer has been constructed under PD and does not therefore require planning permission.
73. The dormer window has been constructed with two full height French doors which could have been incorporated into the original LDC proposal without requiring planning permission. The current location of the French doors immediately adjacent to the roof terrace allows unrestricted access onto the roof however as indicated above, it is considered that any further use of the roof terrace is unacceptable.

Raised Patio

74. Whilst the raised patio is considered to be acceptable in terms of its design, the height to which it has been constructed measures 70cm above the level of the garden and enables the direct overlooking of residential properties to the north and south.
75. As identified above, it has previously been suggested to the owner that a 1.8m high screen could be installed either side of the raised patio in order to prevent overlooking and protect the privacy of nearby neighbours. Whilst a scheme including the extension in the height of the existing fence to a height of 600mm for the width of the patio has been submitted for comment and officers have indicated that such a scheme would overcome their concerns, no planning application for the retention of the raised patio with this additional fence screen has been submitted. In the absence of a planning application, it is considered that the raised patio is not acceptable as its current height allows the overlooking of neighbouring properties contrary to Policy MD2 of the LDP and the Residential and Householder Development SPG.
76. It is therefore considered that it would be expedient to take enforcement action either to require the raised patio to be reduced in height to no more than 30cm above the level of the garden to where it would be PD and not enable any adjacent properties to be overlooked.

Garden Play Room / Home Office / New Building

77. Although the play room is unauthorised and previously formed part of two previous planning applications which were withdrawn and refused (2021/00822/FUL and 2022/00272/FUL), it is considered that this building does not raise any planning issues and is considered to comply with Policies MD2 and MD5 of the LDP. It has therefore been concluded that it would not be expedient to take any further action in relation to the 'play room' / home office ancillary outbuilding.
78. As confirmed earlier, further investigations are continuing in relation to the new garden building to determine whether it is PD or requires planning permission.

Conclusions

79. Whilst the owner has previously submitted and had approved a Lawful Development Certificate relating to the construction of a rear extension and dormer extension at the property (2019/00668/LAW), these structures have not been constructed in accordance with the submitted plans and the rear extension no longer constitutes permitted development. Further development including a roof terrace, block screen wall, raised patio area and garden play room / home office have also been constructed at the property without planning permission and are therefore unauthorised. The garden play room / home office is however considered acceptable and no further action is therefore proposed in relation to this structure.
80. Despite correspondence with the owner of the property and the submission of three planning applications two of which have been withdrawn (2021/00428/FUL and 2021/00822/FUL) and the last of which has been refused (2022/00272/FUL), no further attempts have been made to regularise the position or remove the unauthorised development which is considered to

be unacceptable. More recent suggestions have been made during a meeting with the owner in March 2023 in relation to reducing the depth of the roof terrace and the erection of privacy screens in order to overcome officers concerns regarding the potential for overlooking and loss of privacy. Whilst one of the pre-application submissions relating to the raised patio area is considered appropriate, the scheme relating to the roof terrace incorporates a different proposal that would not overcome officer's concerns.

81. The roof terrace and raised patio area are considered to be unacceptable as they facilitate the overlooking of neighbouring properties and the loss of privacy for the occupiers of those properties. The block screen wall is considered to be visually intrusive and the development is therefore considered to be contrary to policies SP1, (Delivering the Strategy), MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries), the Residential and Householder Development SPG, PPW Edition 11 (2021) and Technical Advice Note 12: Design.
82. In view of the issues identified in the paragraphs above, it is considered expedient to pursue enforcement action as follows:
 - (i) Permanently cease the use of the roof terrace constructed on top of the rear single-storey extension.
 - (ii) Remove the roof terrace constructed on top of the rear single-storey extension. The replacement roof on the rear single storey extension should not exceed 3 metres above ground level.
 - (iii) Reduce the height of the raised patio area to a height not exceeding 30cm above the original ground level of the garden.
 - (iv) Permanently remove the block screen wall located on top of the south-east side of the rear single storey extension.
83. 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)

84. 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)

85. 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).
86. 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)

87. 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 the following:
 - (i) Permanently cease the use of the roof terrace constructed on top of the rear single-storey extension.
 - (ii) Remove the roof terrace constructed on top of the rear single-storey extension. The replacement roof on the rear single storey extension should not exceed 3 metres above ground level.
 - (iii) Reduce the height of the raised patio area to a height not exceeding 30cm above the original ground level of the garden.
 - (iv) Permanently remove the block screen wall located on top of the south-east side of the rear single storey extension.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) It appears to the Council that the above breach of planning control constituting operational development - the roof terrace, raised patio area and block screen wall, has occurred within the last 4 years.
- (2) The development has been undertaken to a residential property within the settlement boundary where the scale, form, layout and character of new development is required to be sympathetic to and respect its immediate setting and to be designed to safeguard existing residential amenity, particularly with regard to privacy and overlooking. The roof terrace and raised patio area are considered to be unacceptable as they facilitate the overlooking of neighbouring properties and the loss of privacy for the occupiers of those properties. The block screen wall is considered to be visually intrusive and the development is therefore considered to be contrary to policies SP1, (Delivering the Strategy), MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries), the Residential and Householder Development SPG, PPW Edition 11 (2021) and Technical Advice Note 12: Design.
- (3) Despite correspondence with the owner and his planning agent, the submission of three planning applications two of which have been withdrawn (2021/00428/FUL and 2021/00822/FUL) and the last of which has been refused (2022/00272/FUL) and a further meeting, no further schemes or applications have been submitted which are considered acceptable and could

potentially regularise the position. In the absence of a suitable planning permission the development remains unauthorised and is considered unacceptable.

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

Background Papers

Enforcement File Ref: ENF/2021/0019/PC

Contact Officer - Sarah Feist, Tel: 01446 704690

Officers Consulted:

HEAD OF SUSTAINABLE DEVELOPMENT

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **7 SEPTEMBER, 2023**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

5. ENFORCEMENT UPDATE

b) LAND AND BUILDINGS AT BARRY BIOMASS, WOODHAM ROAD, BARRY

Executive Summary

This report provides an update for Members' information since the last report to Planning Committee on 27 April 2023. That report sought authorisation for appropriate variations to the Enforcement Notice (EN) issued under section 172 of the Town and Country Planning Act 1990 (as amended) to be agreed following the appeal lodged and correspondence received from Planning and Environmental Decisions Wales (PEDW) in respect of the development undertaken at the Barry Biomass site, in Woodham Road, Barry.

Following the Council's confirmation to PEDW of the resolution of the Planning Committee, further correspondence was received from PEDW which indicated that the EN was invalid and invited the Council to withdraw the EN. The Council's response has maintained that the amendments it had recommended to take account of the 2015 consent could be accommodated as part of the appeal process and should not make it invalid. The Planning Inspector has however subsequently determined that the amendment is too significant, would cause prejudice to all parties and has subsequently determined that the EN is invalid and should be quashed.

Background

1. At the 27 April 2023 meeting, it was reported that correspondence had been received from PEDW on 28 February 2023 seeking further comments from the Council and developer on the contents of the EN and specifically, the description of the breach of planning control and requirements of the notice. The letter from PEDW noted that the developer had stated that the 2015 planning permission remained extant (implemented and capable of being completed) and the principle of the development (a wood-fired energy plant) on the appeal site had been agreed. Having considered the information provided by the developer and taken further legal advice on the matter, it was reported that it was also considered by officers that the 2015 consent was extant and that it had been implemented.
2. The letter from PEDW on 28 February 2023 stated that it was important that the allegation accurately described the breach of planning control, given that it defined the basis of the deemed planning application that could be considered as part of the appeal and the requirements of the EN. The Council's comments were invited on the nature of the breach of planning control as set out in the EN and also its consideration of whether the allegation was a sufficiently precise description and if not, how it might be corrected. It was also

confirmed that the Inquiry scheduled for May 2023 would need to be postponed.

3. The report on 27 April 2023 confirmed that at the time authorisation was previously given by the Planning Committee in September 2021 for an EN to be issued, it had not been confirmed by the developer what elements had been constructed in accordance with the 2015 application which would have constituted the implementation of that permission. As a result, the LPA considered that it had no alternative at that time but to take enforcement action against the development as a whole to prevent the development from becoming immune from enforcement action.
4. The report recommended however that, in light of the information which had been made available to the Council since enforcement action was taken regarding the implementation of the development approved under applications 2015/00031/OUT and 2016/00187/RES, agreement should be provided to PEDW that appropriate variations may be carried out to the EN.
5. It was acknowledged that the development of the site continued to attract a significant amount of public interest and scrutiny, however it was also confirmed that having obtained further legal advice on the matter, if the Council were to fail to acknowledge the extant nature of the 2015 consent and agree an appropriate variation of the EN to accommodate this, such action could constitute unreasonable behaviour and may have a bearing on the matter of costs being sought in connection with the appeal.
6. The resolution of the Committee was to agree the following recommendation:
 - (1) That PEDW be advised that the Council would agree to variations of the existing EN issued under Section 172 of the Town and Country Planning Act 1990 (as amended) as follows:
 - (i) The breach of planning control alleged in the Enforcement Notice to refer to the carrying out of operational development comprising the construction of a wood fired renewable energy plant together with associated structures not in accordance with the details and plans approved under planning application 2015/00031/OUT (i.e. a breach of condition(s) of that permission).
 - (ii) The requirements of the Enforcement Notice to include the carrying out of the development in accordance with the details and plans approved under planning application 2015/00031/OUT.

Update on Matters Since the Planning Committee on 27 April 2023

Letter sent to PEDW - 28 April 2023

7. On 28 April 2023, a letter was sent to PEDW confirming the above resolution. It was confirmed that the reason why enforcement action was taken against the development as a whole, was due to the fact that the appellant had not confirmed what, if any, elements had been constructed in accordance with the 2015 application which would have constituted the implementation of that

permission. It was considered however that the information since provided by the developer regarding the implementation of the 2015 permission was material and that the breach of planning control and the steps required to be undertaken to remedy the breach should include reference to that consent. The EN should therefore be varied to give the developer the option of amending the scheme to revert back to the 2015 consent and it was not considered that such a variation would give rise to injustice to any party.

Letter from PEDW - 17 July 2023

8. On 17 July 2023, PEDW wrote to the Council regarding the validity of the EN. The letter raised issues regarding the description of the breach of planning control and stated that even when taking into account the Council's suggested re-wording, this was not considered to accord with the Local Planning Authority's stated position in the April 2023 committee report. As the Council had now accepted that what has occurred was a breach of the terms of the 2015 planning permission, rather than the unauthorised construction of a wood fired renewable energy plant, it was stated that the requirements of the EN exceeded what was necessary to remedy the breach of planning control.
9. The letter from PEDW confirmed that the amendments suggested by the Local Planning Authority were not acceptable to the appellant and the Inspector considered that the EN would be deficient as it lacked clarity with regard to the specific breach, both in terms of the breach of conditions and the other elements of the alleged breach that did not appear to form part of the development granted permission.
10. It was considered that even if the inquiry were to proceed, the Local Planning Authority was not in a position to amend the allegation and, as the appeal fell to be determined by the Welsh Ministers, the Inspector may not be able to proceed solely on the basis of any agreed changes to the allegation, in case the Ministers did not agree with those changes. As the Inspector may need to report on both the original notice and the suggested corrections, it was considered by PEDW that this would introduce significant additional uncertainty and complexity to the inquiry and risk extending the inquiry causing additional work for the appellant and interested parties.
11. It was confirmed by PEDW that the Inspector had found the EN as drafted to be invalid and any correction of the notice would result in confusion and uncertainty which would have the potential to distract the parties from presenting their case clearly and concisely and would result in prejudice to all parties.
12. The Inspector had therefore reached the conclusion that the notice could not be varied or corrected without injustice to the Local Planning Authority or the appellant. It was acknowledged that this would have potential implications for all parties and the Local Planning Authority was therefore invited to withdraw the notice and given 10 working days to confirm its position. It was also confirmed that should there be no response, or the Local Planning Authority decide not to withdraw, then the Inspector would proceed to issue a determination to the effect that the EN was invalid.

Council's Response to PEDW - 28 July 2023

13. On 28 July 2023, a response was sent to PEDW advising that the Inspector's position did not align with the Council's views on the validity of the notice, or the reasonableness of the changes proposed in the Council's previous letter of 28 April 2023. It was maintained that at the time the notice was issued it was valid, however as a result of information now clarified by the appellant in relation to the 2015 planning permission, the breach of planning control could be more accurately identified.
14. It was identified that in PEDW's letter of 17 July 2023, there appeared to be a consensus that what had occurred was a breach of the terms of the 2015 planning permission. The Council's letter of 28 April 2023 had recognised this, and made suggestions for how the notice should be structured as a consequence. It was advised that this had responded directly to PEDW's letter of the 28 February 2023 and that their subsequent letter of the 17 July 2023 had not raised any fundamental concern with the concept of a breach of the 2015 permission, rather it appeared that the Inspector remained concerned with the specific wording, the suggested requirements of the notice, and the implications of making changes of this nature to the notice.
15. The Council's response confirmed its view that, in the context of the apparent agreement as to the nature of the breach, changes to the specific wording could reasonably be made by the Inspector, without injustice to any party. It was not considered that this should render the notice invalid. In respect of the steps required to remedy the breach, it appeared that the Inspector was of the view that the steps may be excessive in the context of the identified breach. It was pointed out that the appellant has appealed on Ground F, which gave the opportunity for this to be considered. In the Council's view, it would seem highly unusual that a lack of consensus relating to Ground F matters should be treated as a validity issue or that their suggested approach was prejudicial to any party, unreasonable, or fundamentally mis-aligned to the breach.
16. It was requested that the Council's points be taken into account before a decision was taken and consequently, the Council did not consider it was appropriate to withdraw the Notice at the current time. The Council's response also raised concerns that having been invited in PEDW's letter of 28 February 2023 to make comments which implied that these could have bearing on the subsequent stage, the most recent letter (17 July 2023) had made it clear that PEDW would not have considered the notice capable of being amended. It was therefore stated that it was regrettable that PEDW had not sought to clarify these matters at the earlier opportunity.

Letter from Welsh Government - 21 August 2023

17. On 21 August 2023, correspondence was received from the Welsh Government which confirmed that the previous direction made by the Welsh Ministers on 15 December 2021 in relation to the appeal was revoked, the effect of which was to return the appeal back to the appointed person for determination, who in this case was the Planning Inspector.

18. The letter went on to confirm that PEDW had informed the Welsh Ministers that the appointed Planning Inspector considered the enforcement notice to be invalid and incapable of correction. The issue of whether an enforcement notice is valid was a procedural matter turning on points of law, rather than a planning judgement about the planning merits of the case. It was not therefore considered that the technical scope of the issue warranted consideration by the Welsh Ministers and the direction should be revoked.
19. It was also confirmed that the section 78 appeal relating to the discharge of conditions attached to the outline planning permission granted in 2015 was recovered because of its link to the development the subject of the section 174 (enforcement notice) appeal. The de-recovery of the section 174 appeal meant that the reason for the Welsh Ministers determining the section 78 appeal had fallen away.

Appeal Decision from PEDW - 22 August 2023

20. On 22 August 2023, an Appeal Decision was received from PEDW which confirmed that the Planning Inspector had concluded that the EN was invalid and incapable of correction without injustice to all parties and should therefore be quashed.
21. The decision refers to procedural and background matters, including that the Welsh Ministers had transferred the power to determine the appeal back to the Planning Inspector and also the exchange of correspondence since February 2023. In his reasons for making the decision, the Planning Inspector reiterates the issues raised in the PEDW letter of 17 July 2023, that the requirements of the EN exceed what is necessary to remedy the breach and the suggested wording would be imprecise. The amendments suggested by the Local Planning Authority were not sufficient to ensure the notice was accurate and the Inspector had therefore concluded that the changes that would be required to the notice would lead to prejudice to the main and interested parties. The EN was therefore invalid and incapable of correction.

Current Position

22. It is acknowledged that this case is of significant interest to the general public, and is also highly complex in relation to the legal issues it has raised. In determining that an EN should be issued in September 2021, the Council's view was that it was not clear whether the 2015 consent had been implemented and that it was therefore necessary to take enforcement action to prevent the development from becoming lawful. This would also have created the position where the development was not subject to any planning controls or restrictive conditions which was considered unacceptable.
23. It is therefore disappointing that the Planning Inspector has not accepted the position maintained by the Council following the receipt of legal advice, that the EN could be amended and has quashed the EN. However, the issuing of an EN and subsequent appeal process has enabled the position regarding the implementation of the 2015 to become properly established and has thereby prevented any claim that the development has become lawful.

24. Furthermore, as a result of the EN being issued, the developer has submitted three planning applications on 10 January 2023 with an Environmental Statement which seek to regularise the development and which will enable the Council to properly consider the as built scheme. These applications consist of a non-material amendment application relating to the addition of 1) the Lean-to structure adjacent to the Fuel Reception Building, 2) the Emergency Diesel Generator and Tank and 3) the Fire Kiosk (2015/00031/1/NMA) and a retrospective full planning permission for the development comprising a wood fired renewable energy plant and associated structures without complying with Condition 5 (Drawings) attached to planning permission 2015/00031/OUT (2023/00032/FUL). The third application relates to land to the north and is for external storage, vehicle turning and vehicle layover, and perimeter fencing for use in association with the adjacent renewable energy plant (2023/00033/FUL).
25. These planning applications will be reported to the Planning Committee in due course, however as they seek to regularise all of the development over which enforcement action was previously taken, it is considered that it would not be expedient to take further action at the present time. This position will however remain under review.

RECOMMENDATION

- (1) That Members of the Planning Committee note the contents of this report in relation to the site at Barry Biomass, Woodham Road, Barry

Reason for Recommendation

- (1) To inform Members of the Planning Committee of the latest position in relation to the enforcement action taken at site at Barry Biomass, Woodham Road, Barry

Background Papers

Enforcement File Ref: ENF/2020/0230/M

Contact Officer - Sarah Feist, Tel: 01446 704690

Officers Consulted:

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

HEAD OF SUSTAINABLE DEVELOPMENT

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **7 SEPTEMBER, 2023**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

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.

2022/00792/FUL Received on 8 July 2022

APPLICANT: Castell Group Castell Construction Ltd, Dyffryn Court, Riverside Business Park, Swansea, SA7 0AP

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

Land at Moat Farm, Llysworney

Proposed residential development of 7 dwellings and associated works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee as the application was subject of a call in request by councillor Cave, owing to concerns from the Community Council and others living locally suggested flaws with the application and that it would be unneighbourly.

EXECUTIVE SUMMARY

The application is for the development of 7 No. affordable residential units, comprising houses and flats, with associated works and car parking. Access will be served directly from the unnamed road, on the western extent of the application site. Whilst Castell Group ('the Applicant') is not a named affordable housing provider, the applicant has entered into detailed discussions with a reputable affordable housing company to deliver the scheme, should planning permission be forthcoming. The delivery of the site by an affordable housing provider will be secured by way of condition, which will state for the development to remain affordable in perpetuity.

To date representations have been received from approximately 183 objectors. A local petition has also been submitted in objection to the scheme. The representations primarily raised concerns over traffic congestion, highway safety, drainage, visual impact, loss of agricultural land, impact on heritage assets, not a sustainable location, not in keeping with the character of the area and impact on local services and infrastructure.

Llandow Community Council stated their objections to the development on the grounds of being contrary to local development planning policy, visually incongruous, general lack of housing demand; a need to review lettings policy of existing homes; issues relating to local housing need, density and scale of the development, lack of affordable housing provider, lack of accessibility to facilities conservation and heritage conflicts and loss of hedgerows and trees. Cllr Cave stated similar concerns relating to the scheme not being in keeping with the character of the area and forms an unneighbourly development. Andrew RT Davies objected on grounds of the development not being in keeping with the character of the rural village and increase in traffic.

Having regard to both local policy and national guidance, it is considered that the main issues in the assessment of the application include, the principle of the development for affordable housing; visual impact; scale and design; highway and pedestrian safety; residential amenity; heritage and archaeology; public open space; ecology; and drainage.

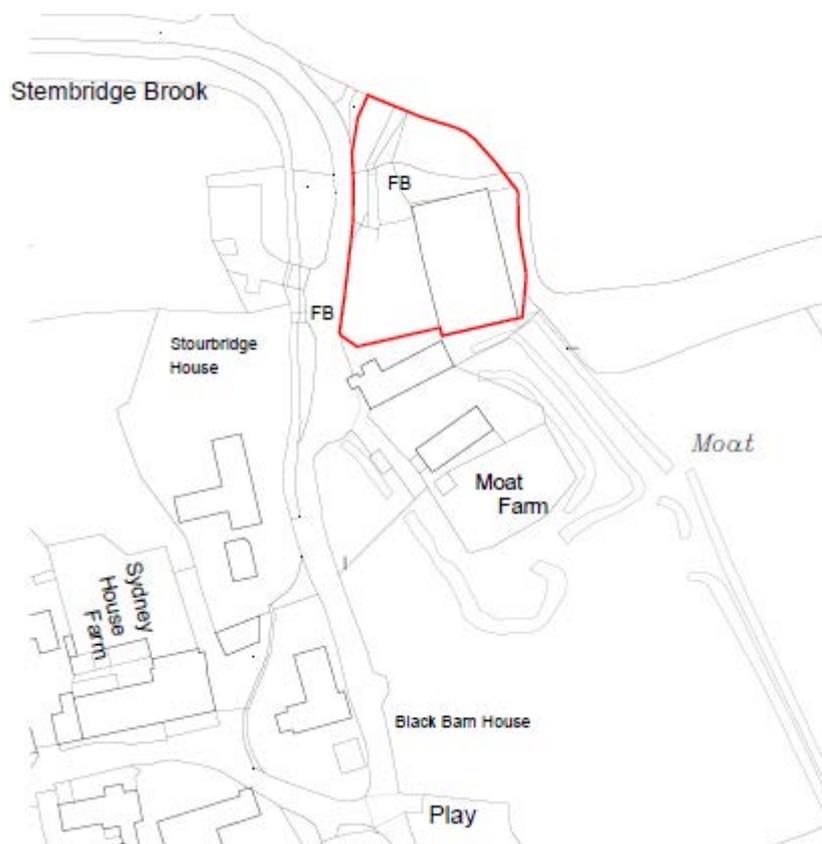
The report recommends the application be APPROVED subject to conditions and a Section 106 agreement securing planning obligations. The conditions include the delivery

of the scheme as affordable housing and relating to archaeological mitigation; highway engineering and parking layout details; public open space; materials details; levels; means of enclosure; construction environmental management plan; land contamination; drainage and water supply details; ecology; and landscaping.

SITE AND CONTEXT

The site is outside of, but lies adjacent to the Llysworney Settlement Boundary and is therefore deemed to be a countryside location. The site is also located outside but adjoins the Llysworney Conservation Area and is identified as a Minerals Safeguarding Limestone 2 Area. It is also within the Special Landscape Area of the Upper and Lower Thaw Valley and is within a flood zone (Zone B), with an unmade watercourse located to the northern boundary of the site, forming part of Stembridge Brook. The existing dwelling at Moat Farm is a County Treasure and there are items of archaeological interest just south of the site. A Public Right of Way (L/18/4/1) is located to the north of the site.

The site location is depicted below:



DESCRIPTION OF DEVELOPMENT

As amended, full planning permission is sought for the development of seven residential units along with associated parking, highway and ancillary works. Whilst Castell Group ('the Applicant') is not a named affordable housing provider, the applicant has entered into detailed discussions with a reputable affordable housing provider to deliver the scheme (one of the Vale's identified providers), should permission be forthcoming. The proposed units meet the current DQR Standards set by Welsh Government within the 'Beautiful Homes & Places' (July 2021). The accommodation would comprise of the following:

- 3 X 2 Bedroom 4 Person Houses;
- 2 X 2 Bedroom 4 Person Flats.
- 2 X 1 Bedroom 2 Person Flats

In addition to the new homes, various associated works are proposed including the provision of an internal access road to serve the development, car parking provision, cycle storage, planting, and other landscaping works including permeable paving and bioretention features.

The proposed dwellings would marginally vary in size, scale and design, whereby buildings 2 & 3 (the semi-detached pair and detached dwelling) have an eaves height of some 4.9m and ridges of 7.5m. The apartment block (Building 1) has a circa 5.2m eaves and 8.2m ridge height. The apartment block (Building 1) comprises gabled walls with a pent mono pitch roof, off the main roof which measures approximately 4.9m to the eaves and approximately 6.8m to the ridge.

The proposal in context is illustrated in the extracts, below:







The dwellings themselves and flats are relatively simple in composition and form, with gable ends and pitched roofs. The designs of the dwellings and flats have contemporary elements, particularly in the arrangement of fenestration and the use of vertical timber cladding for the exterior and the use of Brise soleil. The materials include timber cladding, corrugated steel cladding, grey/blue-black facing bricks, coated aluminium standing seam metal roof, light grey UpVC windows and doors and the inclusion of small velux rooflights.

Vehicular access would be achieved via the creation of a new access point off the unnamed road. This will involve providing a 6.8m wide carriageway, made up of a block paving. The proposal will provide 9 car parking spaces, cycle storage, an area for rotary lines and bin storage serving the flats.

Surface water generated by the development will be treated / attenuated by using sustainable drainage techniques in the use of permeable paving and bioretention features, as well as measures including raising the land.

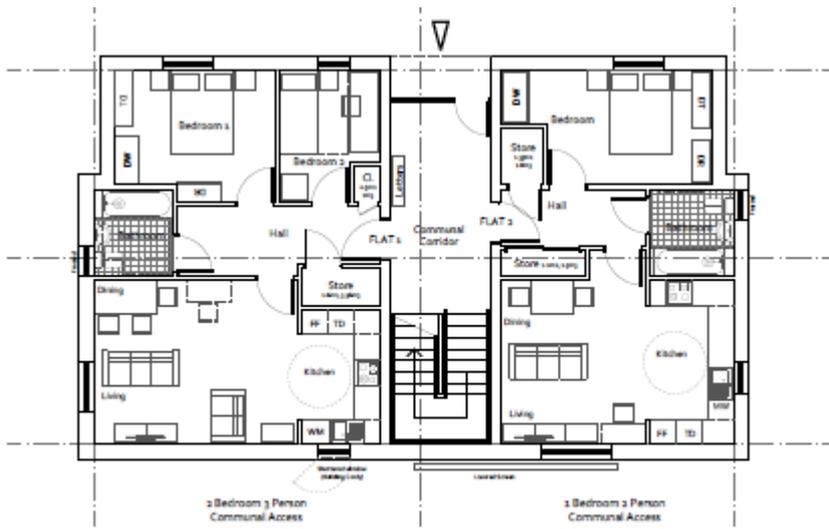
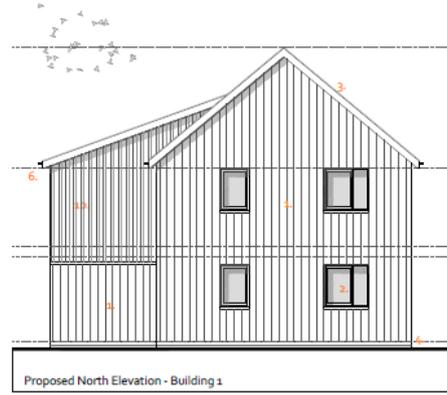
The proposed site layout is depicted below:



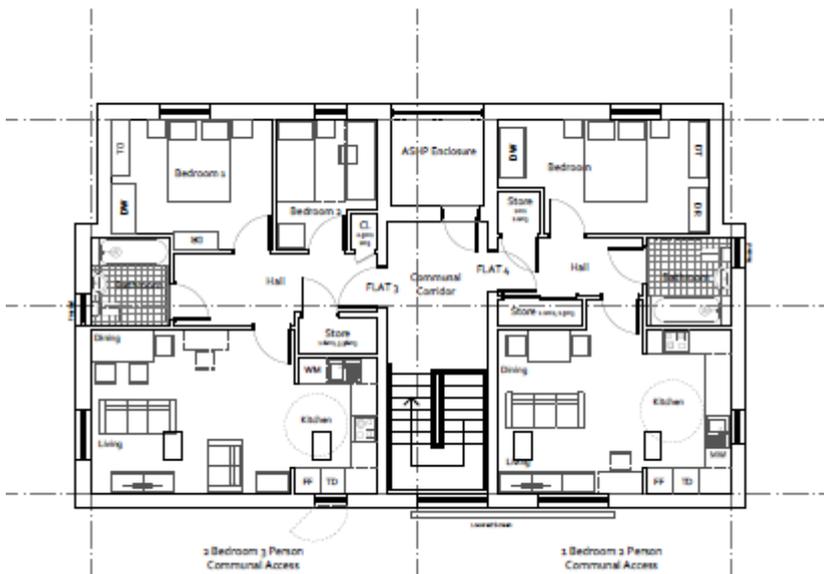
The proposed plans and elevations are shown below:

Building 1 (Flats) – Elevations & Floor Plans



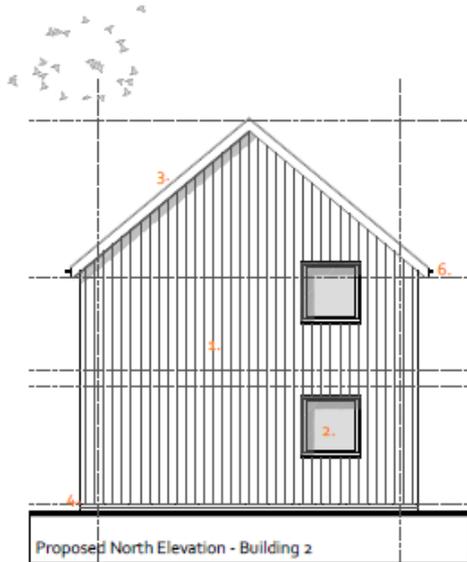
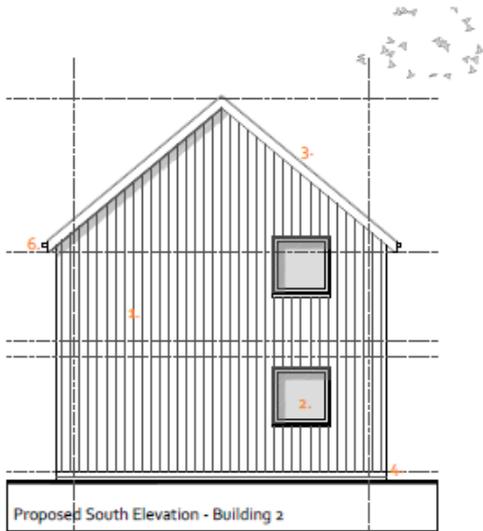


Proposed Ground Floor Plan - Building 1



Proposed First Floor Plan - Building 1

Building 2 (Detached Dwelling) – Elevations & Floor Plans





Proposed Ground Floor Plan - Building 2

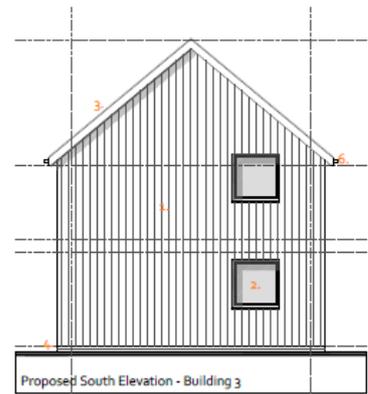


Proposed First Floor Plan - Building 2

Building 3 (Semi-Detached Pair) – Elevations & Floor Plans



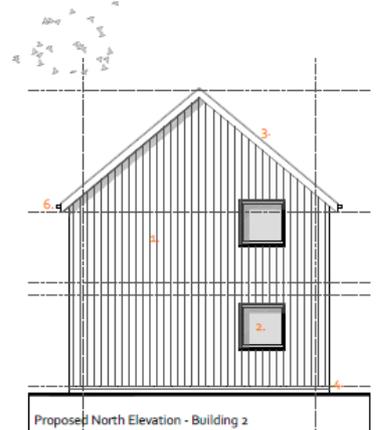
Proposed West Elevation - Building 2



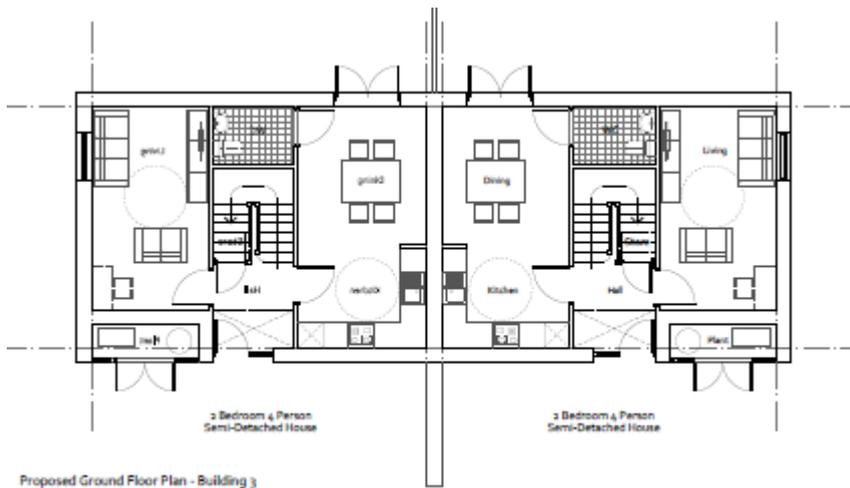
Proposed South Elevation - Building 3



Proposed East Elevation - Building 2



Proposed North Elevation - Building 2



PLANNING HISTORY

2023/00459/FUL - Land at Moat Farm, Llysworney, Proposal: Proposed Barn Conversion, Decision: Under Consideration;

CONSULTATIONS

Llandow Community Council were consulted on 21 July 2022. A number of responses have been received objecting on the following grounds:

- Contrary to local development planning policy;
- Visually incongruous;
- Issues relating to local housing need;
- Density and scale of the development;
- Lack of affordable housing provider;
- Lack of accessibility to facilities;
- Conservation and heritage conflicts;
- Loss of hedgerows and trees;
- Existing homes and lettings policy should be reviewed; and
- Issues with LDP Policy and requirement for housing.

The consultation responses provided by Llandow Community Council in full can be found at **Appendix 1** of this committee report.

Highway Development were consulted on 21 July 2022. A response was received originally objecting on the grounds of lack of appropriate turning facilities within the site, the number of parking spaces provided, width of the access road and further information in respect of visibility splays. Since the original comments were made, amended plans have been received addressing the comments raised by the Highways Authority addressing the comments raised by the engineer. The amended plans have been reviewed and no objection is raised subject to the attachment of a conditions requesting the submission of a Construction Traffic Management Plan (CTMP) and the request of a TRO relating to national speed limits (**Condition 15 & 16** refer).

Public Rights of Way Officer was consulted on 21 July 2022. No response has been received at the time of writing this report.

Chief Fire Officer was consulted on 21 July 2022. A response was received on 27 July 2022 confirming the Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

Councils Drainage Section were consulted on 21 July 2022. A response was received 21 April 2023 objecting on the grounds of lack of information and the request for the submission of a Flood Consequence Assessment (FCA) owing to the location of the site being within Flood Zone B. The applicants provided an FCA following receipt of the comments, whereby the modelling concluded that in order to mitigate against potential flood risk, land levels along the northern boundary and at the site entrance are raised. The Drainage Engineer has reviewed the revised supporting material, raising no objection to the proposed scheme and the proposal is considered acceptable in principle. A series of advisory notes relating to the Land Drainage Act 1992 and The Flood and Water Management Act 2010 (Schedule 3), SuDS Approval Body (SAB) are requested to be appended to any forthcoming permission.

Shared Regulatory Services (Pollution) were consulted on 21 July 2022. A response was received 6 December 2022 recommending planning conditions requiring submission and agreement of a Construction and Environmental Management Plan (CEMP) and site working hours (**Condition 6**).

Glamorgan Gwent Archaeological Trust were consulted on 21 July 2022. A response was received on 26 January 2023 confirming it is recommended that the proposal requires archaeological mitigation, however this can be secured by means of conditions. In light of this, a condition has been attached requesting the submission of a written scheme of historic environment prior to commencement of development (**Condition 14** refers).

Dwr Cymru Welsh Water were consulted on 21 July 2022. A response was received on 19 January 2023 confirming no objection in principle to the disposal of foul flows subject to a planning condition preventing the connection of surface water and land drainage to the public sewer (secured by **Condition 12**); that no problems were envisaged with the waste water treatment works; and that a Hydraulic Modelling Assessment would be required to establish requirements for providing water supply to the site. A planning condition will be included to prohibit occupation of any unit until scheme to deliver potable water to the site had been agreed and delivered (**Condition 13**).

Ecology Officer was consulted on 21 July 2022. A response was received on 22 June 2023 confirming no objection to the proposals subject to the attachment of a condition relating to landscaping plans demonstrating biodiversity enhancement.

Following receipt of the amended landscaping plan, the Council Ecologist confirmed 'It is acknowledged that a large number of the existing trees would be lost through Ash dieback anyway and that the site is constricted and some options for planting conflict with the need to conserve wetland habitats to the north of the application site. I am happy that proposal is the best outcome we could have wished for. The trees to the southern edge of the wetland are willows which are appropriate and will not overshadow the site.' They confirm that further details of biodiversity enhancement are required and that a protected species licence would be required from NRW. Subject to this they confirm that they are 'happy for this scheme to proceed to approval.'

Landscape Section were consulted on 21 July 2022. No formal response has been received at the time of writing this report, although some informal comments were received with regard to the use of the area to the north of the site and issues with planting; consideration being given to whip planting along fringes of the site and large stock trees being planted as per suggestions within the concept masterplan although does note 'site constraints suggest that there are limited opportunities to increase the tree planting shown on the concept plan'. Further comments were provided with regard to the potential S106 contributions advising that this money would allow for suitable improvements to the POS area to the south of the site.

VoGC Housing Strategy were consulted on 21 July 2022. A response was received on 29 June 2023 stating their support for the development, noting that there is a need for additional affordable housing in the Vale of Glamorgan. In evidence, they provided the following figures from the council's Homes4U waiting list:

Llandow	
1	8
2	12
3	2
4	1
5	
Total	23

Natural Resources Wales were consulted on 21 July 2022. A response was received on 17 August 2022 confirming concerns with the proposals, albeit can be overcome by way of condition regarding the inclusion of pollution prevention through the submission of a CEMP, the Bat and Bird Survey July 2022 carried out by Acer Ecology shall be included within the list of plans and documents (**Condition 2** refer) as well as the attachment of an informative regarding European Protected Species Licence.

Contaminated Land, Air & Water Quality were consulted on 21 July 2022. A response was received on 25 July 2022 confirming no objection, subject to the attachment of conditions relating to contaminated land measures, remediation and verification plan, unforeseen contamination and imported soils and aggregates (**Condition 17-23** refer).

South Wales Police were consulted on 21 July 2022. A response was received on 2 August 2022 confirming no objections subject to a series of recommendations relating to boundary treatments, cycle storage, landscaping and planting, bin stores, windows and doors and security lighting.

Executive Director of Public Health was consulted on 21 July 2022. No response was received at the time of writing this report.

Ward Members were consulted on 21 July 2022. A response was received from Cllr Cave who responded outlining her concerns (concerns from Community Council and others living locally; flaws within the application and it potentially being unneighbourly) to the proposals and calling the application in for determination by planning committee.

Andrew RT Davies also provided representations on 25 July 2022 objecting on the grounds of the density of development, not in keeping with the small rural village, traffic issues will be exacerbated, accessibility and not being in keeping with the character of the area.

REPRESENTATIONS

The neighbouring properties were consulted on 21 July 2022. A site notice was also displayed on 26 July 2022. To date, 183 letters of objections have been received on the following grounds:

- No village facilities and lack of amenity services;
- Additional traffic and cars on the road;
- Unsolicited parking and danger to children;
- Not in keeping with the appearance and character of the area;
- Agricultural ties will become under pressure should the development be allowed;
- AH should be located within larger settlements;
- No flats within the village;
- Not a sustainable location;
- Highway safety issues;
- Supporting documentation states incorrect facts;
- Surface water flood risk and foul water drainage;
- Lack of consultation with the community;
- Unneighbourly development proposed;
- No safe walking footpaths within the village;
- Urban development adjoining a conservation area;
- Housing need is accommodated within settlement boundaries;
- Increasing the village by 14% and inappropriate scale;
- Consultation not undertaken properly;
- Lack of permeability;
- Land grab issues;
- Sewage and pollution issues;
- Blockage from Welsh Water;
- Transport Statement submitted;
- Encroachment onto open space and wetland area;
- Noise and air pollution from increase in traffic;
- Development includes common land;
- The plans are not in accordance with the Council's own Development Plan;

- Amended plans do not address residents concerns;
- No safe pedestrian routes;
- No LVIA submitted;
- Revised plans do not address concerns.

In addition to the above, a residents petition from the Community Action Group has also been submitted with approximately 98 signatures.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP3 – Residential Requirement

POLICY SP4 – Affordable Housing Provision

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan

POLICY MG4 – Affordable Housing

POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD3 - Provision for Open Space

POLICY MD4 - Community Infrastructure and Planning Obligations

POLICY MD6 - Housing Densities

POLICY MD7 - Environmental Protection

POLICY MD8 - Historic Environment

POLICY MD9 - Promoting Biodiversity

POLICY MD10 - Affordable Housing Developments outside Settlement Boundaries

POLICY MD12 - Dwellings in the Countryside

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

Future Wales: The National Plan 2040:

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

considered in the planning decision making process. The following chapters and policies are of relevance in the assessment of this planning application:

Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

Chapter 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

Policy 1 – Where Wales will grow

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

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

Policy 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

Policy 8 – Flooding

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

Planning Policy Wales:

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

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

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

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)
- Activities in Places (retail and commercial development)
- Recreational Spaces

The following guidance is given on rural affordable housing:

4.2.34 The provision of affordable housing exception sites must be considered to help meet identified requirements and ensure the viability of the local community. Where such policies are considered appropriate it should be made clear that the release of housing sites within or adjoining existing settlements for the provision of affordable housing to meet local needs which would not otherwise be allocated in the development plan, is an exception to the policies for general housing provision. Such policies must be fully justified, setting out the type of need and the kind of development which fall within their terms. The affordable housing provided on exception sites should meet the needs of local people in perpetuity. Sites must meet all the other criteria against which a housing development would be judged, such as the national sustainable placemaking outcomes. Affordable housing exception sites are not appropriate for market housing.

Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)
- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

Chapter 6 - Distinctive and Natural Places

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

- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

Technical Advice Notes:

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 12 – Design (2016)

5.8.2 Design is relevant to rural settlements, urban fringe, steep sided valleys, mountain top plateaus and broad agricultural areas vary significantly. Policies and guidance should take account of the need to steer activity to avoid negative impact on distinctive rural landscapes and the best agricultural land and to conserve and enhance diversity of species and habitats. Managing change by means of a landscape strategy based on a thorough landscape assessment is one means of safeguarding a rural sense of place. This should analyse key issues and put forward guidelines for design themes, palettes of materials, and briefs for specific sites.

5.8.4 In relation to conversion or adaptation of agricultural buildings, character retention will often involve the least amount of change possible to external appearance. Solidity and simplicity in design and relationship of built form with landscape provide the distinctive character of many Welsh rural areas. The fragility of these qualities and the important contribution which local distinctiveness makes to a sustainable future for rural areas should be reflected in development plan policies and guidance.

- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Affordable Housing (2022)
- Biodiversity and Development (2018)

- Conservation Areas in the Rural Vale
- County Treasures
- Design in the Landscape
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Trees, Woodlands, Hedgerows and Development (2018)
- Llysworney Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Vale of Glamorgan Local Housing Market Assessment 2021
- Welsh Development Quality Requirements 2021: Creating Beautiful Homes and Places
- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

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 in assessing this application relate to the principle of residential development in this location, the proposed layout, scale, design and use of materials relating to the impact upon the visual amenities and character of the site and surrounding street scene, the Llysworney Conservation Area and parking provision and highway safety matters. Consideration will also be given to the amenity of neighbouring residential properties and occupiers of the development, ecology and trees.

Affordable Housing and Policy MD10

The proposed development relates to a parcel of land that adjoins the settlement boundary of Llysworney. As amended, the proposal seeks the development of 7 affordable units on approximately 0.18ha brownfield land. Whilst the site is not positioned directly outside of

the defined settlement boundary it does lie directly across the road from it. However, given the site is not included within the settlement boundary, it is therefore considered as being in the countryside in planning policy terms.

Planning Policy Wales (PPW) acknowledges that affordable housing may be acceptable in rural areas however it is important that *“the provision of affordable housing exception sites must be considered to help meet identified requirements and ensure the viability of the local community.”* (para.4.2.34). PPW also points out the need for affordable housing exception sites to help ensure the viability of the local community. It goes on to states *“affordable housing provided on exception sites should meet the needs of local people in perpetuity”* (also para. 4.2.34).

Technical Advice Note (TAN) 2 supports the above by stating *“affordable housing provision in rural areas must be supported by a rural exception policy. Rural exception sites should be small (as locally defined in the development plan)”* (TAN 2, para.10.13).

Local Development Plan Policy MD10 (Affordable Housing Developments outside Settlement Boundaries) applies here, which permits 100% affordable housing schemes in such locations, subject to several criteria. The policy states that proposals should primarily have a *‘distinct physical or visual relationship with an existing settlement’* and it is demonstrated that:

- 1. The proposal meets an identified local need which cannot be satisfied within identified settlement boundaries;*
- 2. The number of dwellings is in proportion to the size of the settlement;*
- 3. The proposed dwelling(s) will be of a size, tenure and design which is commensurate with the affordable housing need;*
- 4. In cases where the dwelling is to be provided by either a private landlord or the intended occupier, secure mechanisms are in place to ensure the property shall remain affordable in perpetuity; and*
- 5. The development has reasonable access to the availability and proximity of local community services and facilities.*

As aforementioned, while the site does not adjoin the settlement, it is a site of previously developed land, with buildings currently in situ that lies directly across the road from it. Consequently it is considered that a development of this form in this location is viewed as having a sufficiently direct physical and visual relationship to the existing settlement of Llysworney.

In regard to local housing need, whilst the comments raised are noted, the Council's Housing Strategy team advised in consultation that there is an evidenced need (Local Market Housing Assessment 2021) for 1205 additional affordable housing units per annum in the Vale. In addition, the current waiting list for properties within the local Llandow Ward area is 23. In light of this, the proposed development would make an appreciable contribution towards addressing affordable housing need in the local area and that represents a significant material consideration in favour of it and the LPA are not aware of any similarly sized, suitable sites within the settlement boundary that could accommodate a development of this form. The scheme would therefore meet the requirements of Criterion 1 of Policy MD10.

In relation to the other criteria, the supporting text of policy MD10 states the following:

7.58 “The integration of new development within the existing settlement pattern is imperative so as not to adversely impact upon their rural character or setting. Accordingly, any affordable housing scheme will need to be of a scale proportionate to the size of the existing settlement, and generally comply with Policies MD1 and MD2 in order to ensure the appropriate integration of new affordable housing within the existing smaller settlements of the Vale of Glamorgan. Small scale for the purpose of Policy MD10 will generally mean 10 or fewer dwellings, however, in or adjoining some of the larger settlements, proposals for more than 10 dwellings may be acceptable if required to meet specific need and where the number of dwellings is proportionate to the size of the settlement and satisfies all the other criteria against which a housing development would be judged.”

The settlement of Llysworney is among the smaller villages in the rural Vale and is recognised as a ‘Minor Rural Settlement’ in the Local Development Plan. This proposal for 7 affordable units is considered proportionate to the settlement by Officers, on a site which has a demonstrable physical and visual relationship with the Llysworney settlement. Furthermore, the proposal seeks to develop brownfield land, which is strongly supported by national guidance, and forms the most logical site for redevelopment purposes, to save the further incursion and encroachment into the open countryside. The size and form of the units would also meet the demand for such units identified within the Council’s most up to date housing data. It is considered that the development would not appear disproportionate to the settlement and consequently criteria 2 is satisfied.

As noted, although the developer is not one of the Council’s approved RSL partners, correspondence confirms that negotiations with an approved RSL has taken place. In view of the above, it is considered that the proposal is acceptable in principle and compliant with the other relevant policies of the Local Development Plan, with the retention of the development as affordable housing secured by **Condition 3**, as required by criterion 4 of Policy MD10.

With reference to criterion 5 of MD10, small rural settlements such as Llysworney do not typically sustain a significant range of services, however, that being said, the proposal replicates the development elsewhere in the village and would make a positive and meaningful contribution to addressing affordable housing need in the area and developing a sustainable rural community of Llysworney. Furthermore, the village is close by to transport links such as the A48 to wider / larger service settlements including Llantwit Major. Whilst the comments are noted by representations, it is considered that the development would have adequate access to local community services and facilities to meet the needs of the proposal. Lastly, the proposal provides a scheme for affordable housing in an area of need, which complies with the requirements of local and national planning policy. The development is, therefore, considered acceptable in principle, and the detail of the scheme is considered below.

The other material planning considerations are discussed in more detail below.

Density of Development

Policy MD6 (Housing Density) of the Local Development Plan, in recognition that land is a finite resource, seeks to ensure that all new residential development makes efficient use of land. The policy states that a minimum net residential density of 25 dwellings per hectare should be achieved for minor rural settlements unless a lower density can be justified due

to site constraints. The site measures to be approx. 0.18ha and to ensure compliance with the aforementioned policy, would be expected to provide at least 5 new dwellings. The development is therefore compliant with this policy and would amount to efficient use of the land.

Design, Layout and Visual Impact

The general design criteria set out in Policy MD2 - Design of New Development requires proposals to be of a high standard of design and respond appropriately to the scale, form and character of the neighbouring buildings, while minimising the impact upon adjacent areas. These sentiments are supported by Planning Policy Wales (Edition 11) and TAN12-Design (2016).

Furthermore, the local planning authority must under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, pay special attention to the desirability of preserving or enhancing the character for appearance of a conservation area. Policy MD8 Historic Environment of the adopted Local Development Plan supports these requirements and specifies that development proposals within conservation areas must protect the qualities of the built and historic environment of the Vale of Glamorgan. Whilst the site is not located within a conservation area, regard must be had to the setting of any neighbouring conservation area, which is the case here with the site adjoining Llysworney Conservation Area.

The pattern of development within the village of Llysworney is quite organic and characteristic of a rural village, that is where the overly residential buildings lie. In contrast, the north-eastern side of the road of the site is much more rural and agricultural in character and the adjacent complex of buildings are of an appearance and form that reflect that. Consequently, the layout has undergone revisions through lengthy discussions with officers, whereby plans have been amended to deliver a scheme that is more agrarian in appearance/character, with a scheme that has been designed to be sympathetic to that context, whereby amended plans have been received to reduce the overall scale of the development. This is particularly the case to the most sensitive elevation fronting the road where it has been sought to limit the impact of the proposals by minimising fenestration and other domestic trappings and the associated impacts from the road.

The site is laid out around a central access road / courtyard area, utilising its former farmyard typology, with corner units provided (Building 1 & 2) on the plots adjacent to the proposed junction with the unnamed road. The layout follows a logical pattern, and would create a positive street environment, with good natural surveillance, and create a rural sense of place within the development site, which is a sentiment strongly supported by TAN12 (paragraph 5.8.1).

The dwellings themselves are relatively simple in composition and form, with gable ends and pitched roofs. The designs of the dwellings and flats have contemporary elements, particularly in the arrangement of windows and the use of vertical timber cladding for the exterior and open timber louvres (Brise soleil). The materials, which include timber cladding, corrugated steel cladding, coated aluminium standing seam metal roof, make up a high quality palette for the successful delivery of the scheme in this sensitive setting and reflect the aforementioned desire for the buildings to be agrarian in form. However, to ensure appropriate materials and means of enclosure given the close proximity to the neighbouring historic assets, a condition requiring samples of all materials to be agreed is recommended (**Condition 4 & 5** refer).

The dwellings are predominantly two storeys at 7.5m to the ridge Building 2 & 3 and, however at 8.1m in height to the ridges in the case of the largest unit which is Building 1 (the apartment block), despite the comments raised, they are not particularly significant in size and would not appear over scaled in this location following amendment to the plans. The development would be clearly visible from along the highway that adjoins the site, but they would not appear visually intrusive from these viewpoints given the dense hedgerow and trees surrounding the landscape. The site would be further mitigated and substantially landscaped and this would soften the visual impact to create an attractive environment.

The new site access requires an interruption to the existing hedgerow and loss of trees along the highway frontage, however, it would not be a significant breach in the context of the wider landscaping as a whole and it would not be unduly harmful to the character of the area given the concealed nature of the site. The highway and vehicular circulation areas also do not have the appearance of being overly engineered following amendment to the plans and a relatively informal shared surface type approach has been adopted through the inclusion of herringbone paving and brick bond slabs to achieve a more informal, less urban, engineered appearance.

The planting of new hedgerows to the site field boundaries (north, west and east) as shown on the landscaping proposals submitted is an appropriate means of softening the visual impact of the development within the wider landscape and provide ecological benefits subject to a suitable species mix. The provision of the landscaping scheme will be secured by condition attached to any consent granted (condition 10 refers).

Furthermore, wider landscape views of the site (away from the immediate highway network) would be relatively limited but from available points including public footpaths to the north, although the development would be largely screened and would not hold a prominent position within the landscape. Having regard to this and the fact that the dwellings would be closely visually related to the existing clusters of buildings and landscaping within the village of Llysworney, it is considered that there would not be an unacceptable impact on the character of the special landscape area, in accordance with policy MG17 of the LDP.

In summary, it is considered the proposed development is of an interesting and high quality design, which would contribute positively to the local built environment. The proposed palette of materials and considered bespoke layout demonstrates the applicant's commitment to creating a high quality residential environment that will respond positively to the constraints and context of the site, in accordance with Policies SP1 and MD2, of the adopted LDP.

The impact upon the adjacent Llysworney Conservation Area is discussed in further detail below.

Heritage and Archaeology

There are no listed buildings near the site and there would also be no appreciable impact to the Llysworney Conservation Area, which the site lies immediately adjacent to. A number of representations have been received with regard to the impact and setting of the nearby Conservation Area, as well as the County Treasures close by. The Council's Conservation Officer at the time advised the CAAMP notes Moat Farm sits on a medieval moated site and there is likely to be a relatively high potential for archaeological finds on the site, although, it is noted that the construction of the modern yard and buildings may

have been subject to archaeological evaluation and/or destroyed the archaeological resource here. It was strongly recommended by the Conservation Officer at the time that the views should be sought from Gwent Glamorgan Archaeological Trust (as sought and discussed in the proceeding paragraphs). However, the Officer concluded that the design approach appears to be trying to reflect barn type structures forming a courtyard within the farmyard. Whilst the height and mass of the building is substantially greater than might be expected from barns with an agricultural use, visually they are likely to assimilate into the townscape quite readily. The impact on the setting of the conservation area is, therefore, neutral. On this basis, officers are satisfied that the proposal will preserve the significance of the conservation area. The development would comply with the requirements of Policies SP10 and MD8 of the Local Development Plan and also with Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, in that the character and setting of the Conservation Area would be preserved.

The Llysworney moated site lies adjoining the proposed development area at the southern boundary, and it is likely that elements of the moated defences are within the development site. A house dated to the 17th century exists within the moated area, with a smaller building to the north which appears to date from the mid 20th century. The HER also notes artefacts of Medieval date from the immediate area. Gwent Glamorgan Archaeological Trust stated that the proposal is within an area archaeological constraint and recommended a planning condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work (see **Condition 14**). This is envisaged to be in the form of a watching brief prior to commencement of development.

Neighbouring Amenity

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

The Residential and Householder Development SPG states that proposed dwellings should be served by an adequate area of useable amenity space, equating to at least 20sq.m per person. This would typically equate to 40sq.m for two-bedroom dwellings and approximately 12.5sq.m for flatted developments. The proposed amenity space provision varies between 52sq.m to 74sq.m. for the proposed dwellings which meets the Council's adopted standards. However, in terms of amenity space provision for the flats, an area is provided to the east, including cycle lockers and rotary lines for the future residents that caters for the basic outdoor needs of the occupiers, such as clothes drying measuring approximately 112 sq.m. Whilst this is a small shortfall for some, all are laid out in a logical and functional manner and would meet the essential outdoor amenity requirements of the occupiers. It is also reasonable to expect a degree of variance to occur across a residential development such as this due to site/ layout constraints. In addition, there is a large area located to the north of the site, providing approximately 406 sq.m of Public Open Space. Consequently, the aims of the SPG would be satisfied and the development is considered acceptable in this respect. In summary, it is considered sufficient in size to meet the outdoor functional and relaxation needs of the occupiers.

It is also considered that the relationship of the proposed buildings is such that they would not appear as overbearing or unneighbourly to each other, nor provide any harmful overlooking issues. The layout is, overall, considered to be acceptable in relation to the amenity of the prospective occupiers of the development.

Turning to other matters, an application has been submitted under application ref: 2023/00459/FUL for the conversion of the neighbouring barn located on the southern boundary. Whilst still under consideration, the proposed layout of this application would result in some windows being present on the southern facing elevations of the proposed barn adjoining the application site, however these are proposed to serve either bathrooms or secondary windows to kitchen areas. Furthermore, these windows at first floor level would also front onto windows largely visible from the public domain, at an offset angle and towards what is proposed as utility within the proposed layout for the barn to the south and not towards any substantial useable space. On that basis, such a relationship would be considered acceptable. If issues were to change, it would have to be considered under the consideration of the separate application of the barn conversion. Accordingly, the proposed development is considered to accord with the standards outlined within the Residential and Householder Development SPG in respect of off-site neighbouring impacts.

A Construction Environmental Management Plan (see **Condition 6**) would minimise the temporary construction impacts and would ensure that construction activities are only undertaken during appropriate hours.

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

Parking and Highway Safety

Criterion 5 of Policy MD2 of the LDP requires that the development meets the Council's standards to provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users on amenity and space, access, car parking and servicing.

The proposal is for 7.No residential units with access to the site facilitated by a new highway junction with the unnamed road, on the approach to the village from the northern section. The speed limit is set at 60mph in this location, albeit concerns over highway safety have been raised. The development would, by nature, result in some increase in traffic on the unnamed road and those travelling through the village, however, is considered to be of a scale unlikely to result in significant traffic congestion on this road and the local highway network. The Council's Highways Engineer has reviewed the proposals and stated that the speeds are low and a very low trafficked area therefore the introduction of 7 dwellings should not have a material impact on the highway safety implications of the access to/from the development. However, to maintain highway safety, the Highways Engineer requests a Traffic Regulation Order (TRO) to be implemented for the relocation of the national speed limit/30mph gateway further north, to enable the site frontage to be located within a 30mph speed limit and not a national speed limit. A condition has been attached with a view to securing this implementation (**Condition 16** refers).

The Highways Engineer raised initial concerns regarding visibility at the site access due to splay not being provided. There is now visibility afforded, which is considered acceptable to provide for safe access and egress to the site as reviewed by the Highways Engineer.

Concerns were also raised with regard to the lack of turning facilities within the site layout. The proposed internal road is 6.8m wide with a small turning head and is laid out as a shared surface with parking spaces for each of the proposed units located directly off it. The internal arrangement is considered acceptable to provide for safe access, turning facilities for larger panel vehicles. Furthermore, the site access arrangement has been amended to provide a pull in/passing area to prevent refuse vehicles obstruction vehicular flows. This includes localised highway widening that would provide a location where refuse vehicles can stop to collect waste from the refuse collection point, while still allowing vehicles to pass. It is not intended that refuse vehicles will enter the site, and it is noted that south of the proposed development refuse vehicles currently block the highway during waste collection, whereas the application proposals do not reflect such an arrangement. These matters have also been reviewed by the Highway Engineer, who considered the arrangement acceptable.

The Council's Parking Standards SPG refers to 'maximum standards', which equate to a maximum of one space per bedroom, and no more than three spaces, for new dwellings. This assessment is also guided by the site's location (e.g. how sustainable it is) and the availability of on street parking. The proposed parking provision, providing for at least one space for the units, is considered on balance to be acceptable. This is on the basis in view of the proposed tenure of the properties, whereby the applicant has considered available census data related to vehicle ownership. It revealed that the majority of social rented properties have a much lower car ownership than dwellings which are owned. Similarly, there is a significant difference in social rented and private rented. The number of social rented properties which own 2 or more car is only 3.4% where the highest figure is for no access to car or van at 23.1%. The owned figures are significantly different which the highest figure being 2 or more car at 46.7% (2011 Census data). While it is likely that reliance on the private car would be higher in a rural location than it would in an urban area such as Barry, it is evident that car ownership levels are significantly lower in affordable (particularly social rented) properties. On this basis, given that every unit would be served by one or two spaces, it is considered that the level of parking is appropriate and would not be likely to result in pressure for parking away from the site that would lead to highway safety or traffic problems. In light of this, it would cater for the demand associated with the development to be provided. The Highways Engineer accepts this level of parking.

Comments again raised the lack of pavements provided for the development. The application site is located near to a Minor Rural Settlement, where no pavements are provided within the village. The introduction of pavements for a small number of dwellings in this location would appear arbitrary and not in keeping with the character of the area. The Highways authority have reviewed the submission, raising no objection. Furthermore, the introduction of a 6.8m access road allows for a shared surface space within the scheme.

The proposed plans demonstrate the provision of cycle parking located to the east which will provide Sheffield type cycle stands. Consequently, the Highways Engineer has raised no objection to this arrangement, which will be likely to encourage and facilitate sustainable patterns of travel.

Due to the form of the local adopted highway and likely use of construction vehicles of varying sizes, proximity of neighbouring properties and the concerns raised, a Construction Traffic Management Plan (CTMP) shall be required, to be secured by condition (see **Condition 15**) to ensure that all aspect of the construction phase minimise

impacts on neighbouring residents. This was also requested by the Highways Engineer by way of condition.

Local representations have raised the lack of submission of a Transport Statement to accompany the proposals. However, there is no formal requirement for a Transport Statement to be submitted under legislative terms. Whilst there will be an increase in vehicular trips associated with the development, there is no demonstrable highway safety risk and this has been reviewed and assessed by the Highways Engineer, raising no objection to the proposals.

In concluding on matters relating to highway safety, overall, the proposal is considered acceptable in respect of highway safety, accessibility and parking, subject to the appropriate conditions.

Ecology

Policies MG19, MG20 and MG21 of the LDP relate to statutory and non-statutory protected sites, species, and habitats. Meanwhile, Policy MD9 of the LDP states:

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

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

A Preliminary Ecological Appraisal (PEA) accompanies the planning application submission prepared by Levan Ecology (June 2022). The PEA was commissioned to identify whether there are known or potential ecological receptors (nature conservation designations and protected and notable habitats and species) that may constrain or influence the design and implementation of the proposed development. The PEA correctly identifies that the site is not subject to any statutory or non-statutory designations. The application site is an area of formal concrete hardstanding, including a redundant agricultural barn, and is largely surrounded by native hedgerows and trees.

The PEA concludes that several bat species are known to be present in the area. The survey confidently assumes that the bats overfly the site. The report highlights that the trees around the site provide habitat corridors that are likely to be followed by mobile species such as birds and bats as well as adding to the biodiversity of the site. It is probable that these trees form part of a broader network of trees including the nearby woodland designated as SINCs but are not themselves significant at a county scale. On this basis they are assessed as being of local importance. The report concludes further survey work is required to establish the value of the site for bats (which the results of which is discussed in the proceeding paragraphs of this section of the report).

In addition, the survey concluded that to the northeast is an area of wet ground dominated by greater pond sedge *Carex riparia*. This area appears to be transitional between swamp and marshy grassland with the ground waterlogged but no standing water away from the stream. It has been recorded as swamp due to the dominance of sedge. Wetlands are a priority in the Vale of Glamorgan Biodiversity Action Plan (Vale of Glamorgan Biodiversity

Partnership) and on this basis the stream and swamp area are assessed as of County importance.

The PEA further recommends avoidance measures such as tree protection fencing to be erected, construction work must follow the Guidance for Pollution Prevention to avoid pollution of the stream and wetland; undertaking works outside the bird nesting season, planting replacement hedgerow at a 2 to 1 ratio and the earth mounds are to be dug up with an ecologist present. It also recommends enhancement measures comprising of compensatory hedgerow and native tree planting and the creation of connectivity within the landscaping scheme.

A Bat and Nesting Bird Survey has also been submitted to accompany the planning application prepared by Acer Ecology in July 2022, upon recommendations carried out by the PEA. The report confirms that the agricultural barn on site as was assessed as having low potential for bat use, despite its location of being with a high-quality area for foraging and commuting bats. During the dusk emergence and drawn re-entry surveys, a very low number of bats were recorded, a maximum of six common pipistrelle bats emerged or returned from Tree 2 using different access points. No bats were observed in the building on site. In terms of the Preliminary Roost Assessment, it found no evidence of bats roosting in any trees and having a low potential. However, five trees were assessed as having moderate potential (G1T2, G1T6, T2, T21, T23) for supporting roosting bats. A roost was found in the subsequent survey of Tree 2.

With regard to evidence of nesting birds, two unidentified birds' nests were observed in the main section of the agricultural barn. The impact of the development on any bat roosts or bird nests present without mitigation would be severe. As an enhancement and mitigation, the Bat and Bird Report recommends bat and bird boxes should be incorporated into the new buildings design or on trees. It is also suggested a protected species licence will be required from Natural Resources Wales (NRW) prior to works being undertaken to Tree 2. The protected species licence application will need to be accompanied by a detailed method statement which sets out the Mitigation and Compensation of Proposed Impacts activities. Precautionary measures should also be undertaken to minimise potential impacts to bats as well as post-construction monitoring.

The reports have been reviewed by the Council's Ecologist and NRW, who raised no objection subject to the development being carried out in accordance with the recommendations outlined in the Preliminary Ecological Appraisal and implemented in full (including suggested enhancement) and that works would take place outside of bird nesting season (**Conditions 7 and 9 refer**), planting replacement hedgerow at a 2 to 1 ratio (secured by the landscaping condition (approved landscaping plan **Condition 2 and 10 refer**), enhancement (such as Bat/Bird boxes – secured by **Condition 8**). The ecologist also advises that a Protected Species Licence will be required from NRW. Following the submission of an amended landscaping scheme, the Council's Ecologist has confirmed that they are satisfied with proposals, including the form and nature of planting and that it would have no unacceptable detriment to the wetland area within the northern part of the site.

NRW have also requested that the Bat and Bird Survey be appended to the planning condition of documents, as well as the attachment of a condition for pollution prevention via the submission of a CEMP (**Conditions 2 and 6 refer**), as well as an advisory note of securing a bat licence from the body.

Notwithstanding the above, as a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6). The three tests are:

Test i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Test ii) There is no satisfactory alternative.

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

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

In terms of Test 1, it is considered that the proposed development is in the public interest, due to the essential contribution it would make towards meeting identified affordable housing need within the local area.

In terms of Test 2, it is necessary for the delivery of affordable housing schemes to be provided, as stated by national and local planning policy with the proposals meeting an identified need. The proposals would allow the utility of an area of previously developed land to meet this need and the LPA are not aware of any suitable alternative sites. As such there is not considered to be a satisfactory alternative.

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

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

The impact on trees and hedgerows is discussed in more detail below.

Trees, Hedgerows and Landscaping

The application has also been supported by an Arboricultural Impact Assessment (AIA). The findings of the report demonstrate that the proposals will result in the loss of a number of trees (25 individual trees (inclusive of those within the tree groups) located in the site, all of which are identified as being Category C or U. This includes the removal of Sycamores, Alder, a group of Elm and Ash along the site frontage (west), north and east. The survey recommends their removal or some of which require monitoring for safety as a result of the proposals. Those requiring removal are considered to not contribute significantly to amenity. Furthermore, those lost can be all adequately replaced by robust landscaping,

details of which are shown within the amended scheme of landscaping that shows the provision of 28 trees to be provided, predominantly comprising of heavy standard native species. The Trees, Woodlands, Hedgerows and Development SPG does seek 2:1 for replacements for non-protected trees *wherever possible* (officer emphasis). The SPG (9.1.3) indicates that each case must be assessed on a case by case basis and indicates that this requirement need not be slavishly adhered to. In this instance, significant weight must be given to the current health and status of the trees, noting a significant majority are dead or diseased or identified as being unsuitable for retention. To this end, noting that a large number of trees are already dead or have an extremely limited lifespan, coupled with significant weight that must be afforded to the need for affordable housing identified above, it is considered that the proposed landscaping scheme represents an appropriate level of replacement planting that would safeguard local amenity and provide suitable ecological and sustainability benefits.

The proposed development would result in the loss of approx. 26m of hedgerow to facilitate the new vehicular access and visibility splay. This loss is unavoidable but compensated for by the planting of new native, double-staggered hedgerow, details of which are shown within the detailed landscaping scheme submitted by the applicant which indicate the provision of circa 78 metres of hedgerow principally along the site frontage (outside of visibility splays and along the southern boundary of the site). In addition to trees, the landscaping strategy indicates a variety of species rich grasses and shrubs, including in the areas of the proposed native rain gardens, which would provide a pleasant street environment as well as biodiversity benefits.

In conclusion, there are no significant individual trees on the site that would be lost to the development and the proposed landscaping strategy indicates 28 new trees would be planted. Although noting the guidance contained within the Trees, Woodlands, Hedgerows and Development SPG, the strategy nonetheless indicates that there is scope to provide several new trees, hedgerow and suitable shrub planting that would positively contribute to the character of the street environment. The landscaping layout is considered acceptable in principle and would be secured by proposed **Condition 10**.

Public Open Space

LDP policies MD2 'Design of New Development' and MD3 'Provision for Open Space' require new residential developments to make provision for public open space and the Planning Obligations SPG provides further advice about how these standards should operate in practice.

Residential developments are therefore expected to make provision for Public Open Space and/or recreational facilities to meet the needs of the future population they will bring to the area. Open space offers vital opportunities for sport and recreation, and also acts as a visual amenity. Where there is an identified need for public open space, new residential development with a net gain of 5 or more dwellings are required to provide public open space, in accordance with LDP Policy MD3 'Provision for Public Open Space'. The Planning Obligations SPG requires 55.68sqm per dwelling, comprising 5.8sqm of children's equipped play space, 12.76sqm of other children's play space, and 37.12sqm of outdoor sports space.

The LDP Open Space Background Paper (2013) notes that in Llysworney there is generally no provision for outdoor sport, and an under provision of children's play space. Given the number of dwellings, it is accepted that meaningful sport provision could not be provided on site, however, play space should be provided in accordance with the above standards and designed into the layout. This would equate to 130m², of which 40m² should be equipped (based on 7 dwellings). This would take the form of a small equipped LAP, rather than a larger LEAP.

The submitted layout did indicate the provision of POS/Local Area of Play within the confines of the site located to the north, however concerns were raised with the applicant with regard to the useability of this space, as it is acknowledged in the accompanying PEA, that this is an area of wet ground dominated by greater pond sedge. Following concerns with regard to the useability of this space and given this is a sensitive edge of settlement site where it is expected to preserve these areas from development rationalised as far as possible it was considered that this area was not appropriate for use as formalised open space.

The Council's Planning Obligations SPG makes provision for payment of a contribution to be used to improve and upgrade public open space near to the site should POS not be able to be accommodated within application sites. In this case, and based upon 7 units being provided, this would equate to £18,676.00 being sought as a result of the development. Following consultation with the Council's landscape officer, it was agreed that there was a scope of works where this money would be spent on improving facilities at areas of public open space that would be used by occupiers of the development, within the existing play space area within close proximity. This area is located to the south of the site (within walking distance), the money sought as a result of the development can provide betterment to the area in need of maintenance and repair. This typically will be provided towards upgrades to the local area of play, including but not limited to. extending the longevity of existing or replacement equipment, enclosures, bins and benches, Whilst the Council do not typically seek contributions for affordable housing schemes under 25 units, in this case it is warranted given the absence of a suitable area on site and has been agreed in this instance by the applicant.

The development is considered acceptable in relation to on site amenity and Public Open Space provision (and the requirements of Policies MD2 and MD3 – Public Open Space of the LDP). The situation in regard to financial planning obligations is discussed further below.

Drainage and Flood Risk

A Drainage Strategy has been prepared to inform the proposed development.

Whilst a scheme has been agreed in principle with the drainage authority, SAB approval will be required for the development. The submitted conceptual design indicates surface water generated by the development would be treated / attenuated by using sustainable drainage techniques utilising permeable paving and bioretention features prior to discharge to an existing surface water sewer, adopted by SAB. A condition is requested by Welsh Water prohibiting the disposal of surface water via the public sewerage system, however this aspect of the development is regulated separately by the SAB.

It is proposed to dispose of foul discharges via the main sewer and Welsh Water stated no objection in this regard, adding that no problems were envisaged with the treatment works for domestic discharges. However, Welsh Water have advised that the applicant will need to fund the undertaking of a hydraulic modelling assessment on the water supply network to establish what would be required to serve the site with adequate water supply. A condition requiring approval of a potable water scheme will be attached to the permission (**Condition 13 refers**).

In terms of surface water, a Flood Consequence Assessment has been submitted at the request of the Drainage Authority as the site is located in Development Advice Maps (DAM) Flood Zone B, in an area known to have flooded in the past evidenced by sedimentary deposits. NRW flood maps indicate that there is a high risk of flooding to the north and east areas of the site. The original Drainage Strategy did not make adequate consideration to the flood risk posed by the wider catchment, suggesting the development area of the site to be completely flood free.

The application has since then been supported by an FCA which provides further assessment to the flood risk posed to the development and how any potential displacement of flood waters will be managed. The flood consequence assessment also considered the capacity of the culvert beneath the highway and how the proposed bioretention / attenuation features will function in periods when the watercourse is in spate.

The submitted FCA has modelled the development proposals in line with the drainage authorities request and suggests that ground levels across the development site need to be raised to a minimum level of 47.7m AOD. This equates to a modest increase of 200mm in the north-western corner of the site. Additionally, the new proposed access point will be raised by a minimum of 200mm above the existing adjacent road level to ensure surface water remains on the road and does not enter the site. These concerns have also been made in neighbouring representations. As a result of these measures, the survey and modelling work concludes that the development site is predicted to be flood free in all design events, including the residual risk of culvert blockage and the proposed development site satisfies the requirements of the Acceptability Criteria objectives identified within TAN15 and PPW.

In light of the above measures, the drainage authority has reviewed the supporting material, raising no objection to the proposed scheme and the proposal is considered acceptable in principle. A series of advisory notes relating to the Land Drainage Act 1992 and The Flood and Water Management Act 2010 (Schedule 3), SuDS Approval Body (SAB) are requested to be appended to any forthcoming permission.

Furthermore, NRW were also re-consulted on the revised/additional information submitted and stated as the flood risk identified in the FCA relates solely surface water, this is a matter for the Lead Local Flood Authority and not NRW. Surface water flooding falls within their local flood risk remit. Therefore in concluding matters, NRW's position remains the same, no objection subject to the attachment of a condition requesting the submission of a Construction Environmental Management Plan, to detail measures that will be implemented to mitigate the risk to groundwater during the construction phase of the development.

Subject to those advisory notes and conditions, and subject to the site being drained in accordance with an approved 'SAB' design, the proposed development is considered acceptable in respect of drainage, as required by policies MD2 and MD7 of the LDP.

Agricultural Land

Policy MD1 (Location of New Development) of the LDP states development should “*have no unacceptable impact on the best and most versatile agricultural land*”. Best and most versatile (BMV) agricultural land is defined in PPW as “*land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC)*” (para. 3.58). To aid in the assessment of agricultural land the Welsh Government has undertaken a broad level study of Wales and created the predicative ALC map. The application site is predicted to be 3b which is below the BMV threshold, and the proposal is considered acceptable in relation to the potential loss of agricultural land (noting the large area for redevelopment is brownfield land).

Contamination

The Councils Contaminated Land Officer has requested conditions to provide for contaminated land measures, remediation & verification, unforeseen contamination, imported aggregates and soil and requests an advisory note is attached relating unstable land. It is considered necessary to attach conditions and an informative note to that effect (**Condition 17 -23 refer**).

Section 106 Planning Obligations

LDP policy MD4 ‘Community Infrastructure and Planning Obligations’ sets out that where appropriate, and having regard to development viability, the Council will seek to secure new and improved community infrastructure, facilities and services through the use of planning obligations. The Planning Obligations and Affordable Housing (most recently adopted version, July 2022) provide more detail regarding where, what, when and how planning obligations will be sought via Section 106 Agreements, in order to assist the Council in creating sustainable communities that provide social, economic, and environmental benefits.

In September 2016, Cabinet (Minute C3271) agreed that schemes for 100% affordable housing developments of twenty-five units or less delivered either by the Council or its four Housing Association Partners (Hafod Housing, Newydd Housing, United Welsh Housing and Wales & West Housing) will be exempt from paying financial planning obligations. This reflects a policy decision to prioritise the delivery of affordable housing due to an identified critical need in the Vale of Glamorgan for affordable housing and previous research has shown that if a person does not live in a stable and good quality home, it can have a detrimental impact on both their health and educational attainment.

However, whilst it is not typical to seek s106 contributions given the occupation of the site as affordable housing, owing to the lack of provision of a suitable area of open space to serve future occupiers a financial contribution has been requested from the applicant. In light of 7 dwellings being provided on site, in line with the Council’s adopted Planning Obligations SPG, the following has been requested:

- £18,676.00 Public Open Space Contributions

Other Matters

Local representations also commented upon land ownership issues and cross boundaries with the neighbouring site, as well as Common Land. Whilst ownership issues are not a

material consideration, the red line boundaries have been amended to reflect the agreed subdivision of the land. Comments were also raised that the land is identified as Common Land. From liaising with the Council's legal department, the Council's records show that the land is not covered by Common Land. However, it is also advised that should the area be identified as Common Land, it would not hinder the application as it is a separate entity and outside of the remit of the planning system.

Representations raised concerns over the lack of the submission of a Local Visual Impact Assessment. Again, this is not a formal requirement set by legislation and given the small scale submission and the lack of likely significance of landscape impacts (as discussed previously), it was not required or sought for the planning application submission.

All other neighbouring comments have been addressed throughout the content of this report, which have either been addressed / satisfied by statutory consultees or amended to reflect the concerns raised.

Comments have also made reference to the lack of consultation undertaken by the developers. However, the application is classed as a 'minor development' owing to the scale and therefore there is no statutory requirement to undertake formal consultation. Furthermore, as part of the planning application process, letters were sent to immediate and wider neighbouring properties during the consultation process, as well as the erection of various site notices, which would meet the legislative requirements for determination of an application of this scale and nature. As such, it is considered that the Local Planning Authority has met its legislative requirements for a development of this form and size.

this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

RECOMMENDATION

APPROVE, subject to secure mechanisms being in place to cover the following:

- Pay a contribution of **£18,676** towards public open space provision, to serve the development.

APPROVE subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

- OAD_5260 1001C Location Plan.pdf Received 29/6/2023
- OAD_5260 1101F Proposed Site Plan.pdf Received 29/6/2023
- OAD_5260 1102A Existing Site Plan.pdf Received 29/6/2023
- OAD_5260 1201C Proposed Floor Plans Building 1.pdf Received 29/6/2023

- OAD_5260 1202C Proposed Floor Plans Building 2.pdf Received 29/6/2023
- OAD_5260 1203C Proposed Floor Plans Building 3.pdf Received 29/6/2023
- OAD_5260 1301D Elevations Building 1.pdf Received 29/6/2023
- OAD_5260 1302D Elevations Building 2.pdf Received 29/6/2023
- OAD_5260 1303C Elevations Building 3.pdf Received 29/6/2023
- Preliminary Ecological Appraisal, Prepared by Levan Ecology June 2021
- Bat and Nesting Bird Survey, by Acer Ecology, dated July 2022
- Ground Level Assessment for Roosting Bats, Preliminary Bat Roost and Nesting Bird Assessment July 2021 Acer Ecology
- Tree Constraints Plan Prepared by Treescene
- Tree Survey, Prepared by Treescene (May 2021)
- Arboricultural Method Statement, Prepared by Treescene (June 2022)
- Heritage Impact Assessment, Prepared by Richard Hayman (March 2022)
- Drainage Strategy Report, Prepared by Vale Consultancy (June 2022)
- Planning, Design & Access Statement, Prepared by Asbri Planning (June 2022)
- Flood Consequence Assessment Prepared by JBA Consulting (June 2023)
- Email Confirming DQR Beautiful Homes Standards Received 29/6/2023
- 1186.01 Rev A 'Soft Landscaping Proposals' received 22 August 2023
- Planning, Design & Access Statement, Prepared by Asbri Planning (August 2023)

Reason:

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

3. This permission relates specifically to the provision of 7 affordable housing units. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing or any future guidance that replaces it.

Reason:

In order to ensure that the site delivers appropriate provision of affordable housing to meet the identified need and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP4 (Affordable Housing Provision), MG4 (Affordable Housing), MD4 (Community Infrastructure and Planning Obligations), and MD10 (Affordable Housing Settlements Outside of Settlement Boundaries) of the Local Development Plan.

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

Reason:

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

5. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority and include hedgehog friendly (130 mm square) gaps. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

To safeguard local visual amenities and secure biodiversity enhancement, and to ensure compliance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development) and MD9 (Promoting Biodiversity) of the Local Development Plan.

6. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:
 - I. the parking of vehicles of site operatives and visitors;
 - II. loading and unloading of plant and materials;
 - III. storage of plant and materials used in constructing the development;
 - IV. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - V. wheel washing facilities;
 - VI. measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
 - VII. a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - VIII. hours of construction;
 - IX. lighting;
 - X. management, control and mitigation of noise and vibration;
 - XI. odour management and mitigation;
 - XII. how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorscheme.org.uk) during the course of the construction of the development; and
 - XIII. a system for the management of complaints from local residents which will incorporate a reporting system.
 - XIV. General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
 - XV. CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
 - XVI. Resource Management: details of fuel and chemical storage and containment and wastewater management.
 - XVII. Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
 - XVIII. Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

XIX. Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

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

Reason:

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

7. The development shall be carried out in accordance with the measures and recommendations contained in the Preliminary Ecological Appraisal, Prepared by Levan Ecology June 2021 and Bat and Nesting Bird Survey, by Acer Ecology, dated July 2022 .

Reason:

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

8. Prior to the commencement of the development, a Biodiversity Enhancement Strategy addressing enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved strategy and timings set out within and thereafter retained in accordance with the approved details whilst the development remains in existence. The Strategy shall include the following:

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

Reason:

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

9. Any vegetation clearance must be undertaken outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be first demonstrated that nesting birds are absent.

Reason:

In order to ensure that no protected species are adversely affected by the development and to ensure compliance with In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD9 (Promoting Biodiversity) of the Local Development Plan.

10. All planting, seeding or turfing comprised in the approved details of landscaping (as shown on drawing 1186.01 Rev A 'Soft Landscaping Proposals') shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

11. If within a period of 5 years from the date of the planting of any tree proposed as part of the landscaping scheme, or any tree planted in replacement of it, is removed, uprooted or destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place during the next planting season immediately following the death/removal/destruction of that tree.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

12. The drainage scheme for the site shall ensure that all surface water discharges separately from the site and that land drainage run-off shall not discharge, either directly or indirectly, into the public sewerage system.

Reason:

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

13. No part of the development shall be occupied until a potable water scheme to serve the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply system can suitably accommodate the proposed development. If necessary, a scheme to reinforce the existing public water supply system in order to accommodate the development shall be delivered prior to the occupation. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason:

To ensure the development is served by a suitable potable water supply and to protect the health and safety of existing residents and Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

14. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason:

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

15. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of the following:
 - Haulage routes for construction vehicles
 - Times of working/operation and restrictions on deliveries during peak hours
 - Parking of construction vehicles on site and not along the lanes of Llysworney village
 - Areas for loading and unloading of plant and materials on site
 - Measures to control mud and debris entering the highway
 - A commitment to carry out a condition survey of the existing lane leading to the proposed development site. A survey of the existing highway shall be carried out prior to commencement and upon completion and any damage to the highway as a result of construction traffic will need to be rectified.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected by the construction of the development and to meet the requirements of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

16. Prior to the commencement of any development, a scheme shall be provided for the relocation of the existing national speed limit gateway further North to enable the application site frontage to be located outside of the national speed limit. The scheme shall also provide details of the provision of a Traffic Regulation Order which shall be applied for and secured by the developer. The scheme shall be implemented in full prior to the first beneficial occupation of the development.

Reason:

In the interests of highway/pedestrian safety and to meet the requirements of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

17. Prior to the commencement of the development, except demolition/site clearance, an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with the requirements of Policies MD7 (Environmental Protection) of the adopted Local Development Plan.

18. Prior to the commencement of the development, except demolition/site clearance, a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

Reason:

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

19. The remediation scheme approved by condition x (2 above) must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

Reason:

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

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

Reason:

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

21. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

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

22. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in

accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA

Reason:

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

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

Reason:

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

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1-Delivering the Strategy, SP3-Residential Requirement, SP4- Affordable Housing Provision, SP9- Minerals, SP10-Built and Natural Environment, MG1-Housing Supply in the Vale of Glamorgan, MG4-Affordable Housing, MG19 – Sites and Species of European Importance, MG20-Nationally Protected Sites and Species, MG21- Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, MG22 – Development in Minerals Safeguarding Areas, MD1- Location of New Development, MD2-Design of New Development, MD3-Provision for Open Space, MD4-Community Infrastructure and Planning Obligations, MD6-Housing Densities, MD7-Environmental Protection, MD8 – Historic Environment, MD9-Promoting Biodiversity and MD10 – Affordable Housing Developments outside Settlement Boundaries of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance on Affordable Housing, Biodiversity and Development, Design in the Landscape, Minerals Safeguarding, Parking

Standards, Planning Obligations, Residential and Householder Development, Trees, Woodlands, Hedgerows and Development and Sustainable Development; national guidance contained in Future Wales, Planning Policy Wales (11 ed.), TAN2-Planning and Affordable Housing, TAN5-Nature Conservation and Planning, TAN6 – Planning for Sustainable Rural Communities, TAN12-Design, TAN18- Transport, and TAN24 Historic Environment, it is considered that the proposal represents an acceptable and sustainable form of residential development, comprising solely of affordable housing, that meet and identified local need without an unacceptable adverse impact on the character and appearance of the area, local landscape, highway safety, neighbouring and general amenities on the site, drainage, heritage, protected species, habitat and biodiversity, and other environmental factors such as mineral and agricultural resource safeguarding and contamination. The proposal is therefore considered to accord with both national and local planning policy.

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

NOTE:

- 1. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

Further information of the SAB process can be found at our website or by contacting our SAB team: sab@valeofglamorgan.gov.uk

- 2. Any works to watercourses, including ditches and streams where defined by the Land Drainage Act 1991, require Land Drainage Consent by the relevant drainage body (Lead Local Flood Authority – Vale of Glamorgan Council). Works include permanent and temporary works, including temporary crossings during construction phases.**
- 3. The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
- 4. Provision must be made to ensure that no polluting discharge from haul roads and disturbed areas enter any watercourse. Contact Natural Resources Wales, Cambria House, 29, Newport Road, Cardiff. CF24 0TP; telephone number 02920 772400 for more information.**
- 5. Bats must not be disturbed or destroyed during tree work. A full visual inspection of the trees to be worked on must be carried out prior to intended work to check for the presence of bats. Advice on bats and trees may be obtained from the Natural Resources Wales (Countryside Council for Wales**

as was). Bats may be present in cracks, cavities, under flaps of bark, in dense ivy and so forth. Should bats be identified, please contact either Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.

6. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

(i) determining the extent and effects of such constraints;
(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management licence. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

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

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

7. You will note that a condition has been attached to this consent and refers to an archaeologist being afforded the opportunity to carry out a watching brief during the course of developments. It would be advisable to contact the Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208) at least two weeks before commencing work on site in order to comply with the above condition.

The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), CIfA regulations, standards and guidance | Chartered Institute for Archaeologists and it is recommended that it is carried out either by a CIfA Registered Organisation or a MCIfA level accredited Member Looking for an archaeologist | Chartered Institute for Archaeologists.

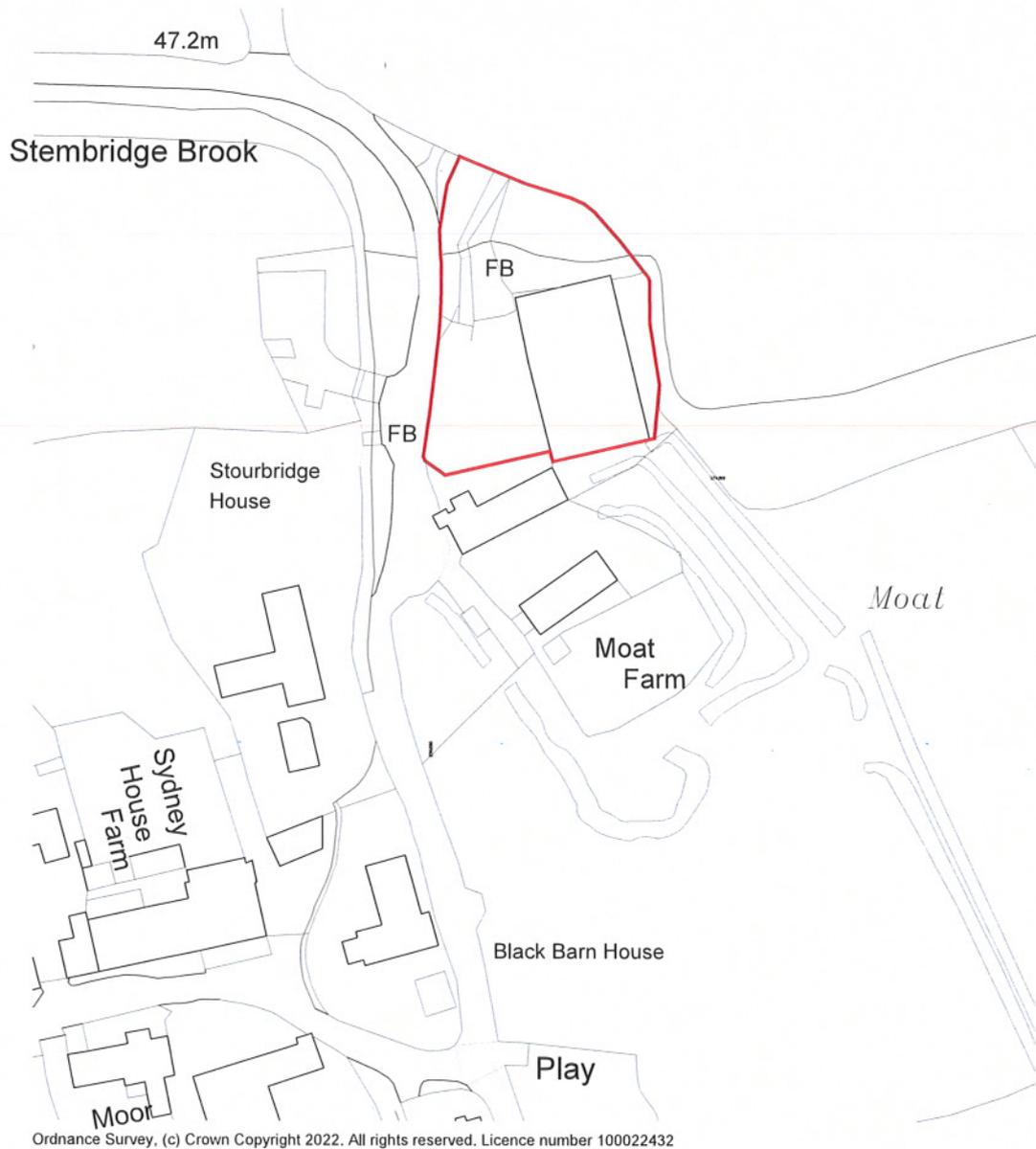
- 8. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
- 9. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**

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

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

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

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



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REVISION NOTES:

REVISION_PLANNING
Rev: - Date: 2nd June 2022 Notes: Preliminary



Project Name Moat Farm, Llysworney
Project Ref OAD_5260
Drawing Ref 1001
Drawing Name Site Location Plan
Drawn By oa Date 02.06.2022
Scale 1:1250 Paper Size A4 Rev C

CYNGOR CYMUNEDOL LLANDOW LLANDOW COMMUNITY COUNCIL

Clerk: David-Lloyd Jones

APPENDIX 1



www.llandow.org.uk

Overt House,
47 Cefn Road,
Cefn Cribwr,
Bridgend.
CF32 0BA.

Vale of Glamorgan Planning Department – FAO Chloe Jones.

7th August 2022

Dear Sirs,

Planning Application 2022 /00792/FUL: Land at Moat Farm, Llysworney Proposed residential development of 10 dwellings and associated works

Llandow Community Council (LCC) has received strong representations from the local community and objects to the above application on the grounds that there is no demonstrable exception to policy which warrants the development of 10 new dwellings outside the village settlement boundary and that such development is unsustainable, incompatible in scale and detrimental to the character of the village of Llysworney and its conservation status.

Such a proposal, contrary to adopted planning policy, is a matter which should properly have been dealt with through the Local Development Plan process, not by means of a planning application. Accordingly, we give the Planning Authority notice of our intention to ask the Welsh Government to call-in the application.

We further note that the application (*Planning Design and Access Statement: PDAS*) refers to documents which have not been submitted (*4.4 Required Supporting Documentation*) and that a number of the available supporting documents refer to the impact of previous iterations of the scheme, leading to question whether the planning authority has sufficient and full information on which to make a determination.

The LCC also takes this opportunity to express its disappointment in the cynical choice of the developer to lodge such a significant application, which has not been the subject of any community liaison, at the start of the summer holidays when many interested residents and Council Officers are absent and the LCC is in recess. The LCC notes that the horizontal division of the buildings into flats, as opposed to their vertical division into houses, has enabled the project to bypass statutory pre-application publicity for major developments under the Planning Wales Act 2015 and is an idiosyncrasy that we propose to raise with Welsh Government.

The approach to procedural aspects of this application is further exacerbated by the “delegated” reference on the Council’s website, contrary to paragraph 1.3¹ of its own “Delegation Procedure for the Determination of Planning Applications”. The LCC thus seeks confirmation that any determination by the planning authority will be a matter for the Planning Committee. It is vital that the application is dealt with transparently, not least since the application is being made, ostensibly, for development to address the Council’s own housing waiting list.

Our position is set out in full detail below.

POLICY MD10 - AFFORDABLE HOUSING DEVELOPMENTS OUTSIDE SETTLEMENT BOUNDARIES

The application’s premise is based upon the exception afforded by this policy of the LDP, namely that “small scale affordable housing developments will be permitted outside settlement boundaries where they have a distinct physical or visual relationship with an existing settlement” and satisfy several important criteria.

¹ Not an allocated site

The development is clearly outside the village envelope and this is not a matter of dispute. The site, comprising an old farmyard, lies at the gateway to the village, pointing to its foundation as an agricultural settlement. Redevelopment, as proposed would give rise to an intrusive modern urban extension into open countryside, with accompanying loss of trees and hedgerows and necessary provision of highway visibility splays and footways. The opening up and development of the site frontage would completely alter the rural character of the lane entry to the village and the landscape context of the Conservation Area in this locality.

Moat Farmhouse, to which the site is related, is itself an outlier, clearly separated from the core of the village by a field and highway. The test of a distinct physical relationship with the village is thus not met; in addition, the faux barn design of the buildings and communal space surroundings fail to establish any visual compatibility with the village, as required.

The introduction of an urban flat development into the historic housing pattern of this rural village is not only incongruous, it importantly fails to contribute positively to the character or appearance of the Conservation Area which it abuts. Hence, the development does not meet the important test of having a satisfactory relationship with the village.

Turning to the other qualifying criteria:

1. The proposal must meet an identified local need which cannot be satisfied within identified settlement boundaries.

Local Need

In Policy MD10 ‘local housing need’ refers to households with a local connection to the area that require affordable housing (within a few miles of the site or within the Community Council Area).

The Planning, Design & Access Statement (PDAS) submitted with the application cites (7.3) the Council’s Rural Affordable Housing Officer’s indication of a waiting list for approximately 39 units of social rent housing comprising 1, 2, 3 & 4 bed properties in the Llandow/Ewenny ward. No evidence is provided as to the distribution of this demand within the wider ward area which might be used to demonstrate the need for 1 and 2 bed flats in Llysworney. Moreover, the figure takes no account of the diminution in the size of the Llandow ward as a result of boundary changes in 2022 – excluding Ewenny-Corntown.

The Community Council is invariably the first body to be approached when there is a demand for affordable housing in the locality and it has received no application that would substantiate this level of demand, indeed no approach has been made to the LCC regarding any such demand by any party (including the applicant or VoG housing officers) in advance of the planning application. Such liaison with the community should be a pre-requisite on such an important matter and is called for in the Councils own Supplementary Planning Guidance July 2022 (9.3). It is of note that, over the last ten years, the LCC has only had one communication seeking local affordable housing provision across its whole patch and that inquiry was not related to Llysworney.

The Local Development Plan (LDP 5.51) identifies the highest areas of need for affordable housing in the VoG as lying in the wards of Penarth and Llandough, and Barry, followed by the smaller towns. Such need coincides with those settlements, within the settlement hierarchy, which possess or have good access to a wide range of services and facilities, being the sustainable communities to which new housing, including affordable housing, should be directed. So again, we emphasise that need, in this context, is intended to be locally generated and not imposed according to some unrefined top-down share out.

Members of the Llandow Community Council (LCC) spoke with the Council’s Housing Officer in 2021 in relation to a similar housing proposal in Sigingstone, in order to better understand housing need and the origin of numbers used. It is understood that they arise from the Homes 4U register (housing waiting list) and the 39 no. referred to in the Moat Farm PDAS appears to derive from the Backlog of Need for Social Rent from Homes4U Waiting List for the Llandow-Ewenny Ward in the Local Housing Market Assessment (LHMA) 2021. Using the disaggregated analysis of the waiting list (LHMA Figure 14), the need for 1 and 2 bed units (excluding specialist older persons provision and larger units) is 29no. The LHMA uses this gross need for social rent housing over a period of 5 years, and the committed supply, in order to reach a net figure for the number of new dwellings required, disaggregated by ward – resulting in a theoretical net for 1 and 2 bed units of 24no. The supply pipeline figure, however, does not account for other schemes in the planning system eg 10 units in Sigingstone. Furthermore, it is worth noting that most of the affordable housing in the rural Vale over recent years has been provided in this ward. Thus, both demand and supply side figures, as referred to

above, do not reflect the position following exclusion of Ewenny-Corntown from the ward, indicating that the need requirement for the remainder (Llandow) is much reduced.

It is also instructive to look at the LHMA findings for “first choice” affordable housing areas (LHMA Figure 20) which (relating only to tenure types offering choice) show that there is no demand for such housing in the Llandow-Ewenny ward; this is assumed to be reflective of the low level of social, educational and other services in this rural part of the Vale.

The Vale of Glamorgan’s Local Housing Strategy, in considering development of affordable homes in the rural Vale, sets out a number of good practice principles which include “working with communities to identify exactly what type of housing they need and where” and “recognising local connection” in lettings.

The LHMA findings put the proposed development of 10 units in Llysworney into context; its scale is disproportionate, even in terms of residual ward level provision. Moreover, there has been no discussion with the local community about what homes might be needed in order to gain their support.

Whilst we understand that lettings policy on new homes will favour those with a local connection, as opposed to the housing priority which has prevailed to date, it is likely that the majority, if not all, of the new residents will have no connection with the village and this is not a foundation for community integrity.

There is no doubt that LCC members are acutely aware of the importance of social rent housing, particularly in this period of continuing pandemic and aftermath. In this case, however, it seems to us that the proposal for 10 flats in Llysworney has come about in response to a generalised housing demand within the County Borough which, having regard to its unsustainable location in a small rural settlement with no services (no bus, no school, no shop), is a fundamental misapplication of the Local Development Plan’s exception policy MD10. The location owes more to the availability of a site which the landowner wants to sell, and to the economies of scale needed for Housing Association provision, than to any demonstrable local need.

Cannot be satisfied within identified settlement boundaries

Had a local need been proven, which it hasn’t, the PDAS provides no evidence to demonstrate that it could not be provided within settlement boundaries within a few miles eg at Llantwit Major or Cowbridge, palpably more sustainable locations than Llysworney.

2. The number of dwellings is in proportion to the size of the settlement

In any housing proposal, of whatever category, it is important to ensure that the amount of housing and scale of development is appropriate to its setting. There are approximately 75 dwellings in the village of Llysworney. Notwithstanding assertions in the PDAS, provision of ten additional dwellings in one development is, by any estimate, disproportionate, prohibiting proper integration without adverse impact.

Furthermore, significant scale development on this site, segregated from the village by open farmland in front of Moat Farm, creates a precedent for future development between it and the core of the settlement, in conflict with the development policies operative and the character of the Conservation Area.

3. The proposed dwelling(s) will be of a size, tenure and design which is commensurate with the affordable housing need

Specific “local” need has not been explained or identified. The assertion in the PDAS refers to a generalised ward figure. Accordingly, and without prejudice to our position that no local need for affordable housing has been proven, it is not possible to judge whether this criterion is met in the absence of any information as to how it has been arrived at.

In terms of whether the design is commensurate with the affordable housing need, the applicant is not the social housing provider and it is not clear whether the proposal would satisfy the needs or budget of such a provider, particularly given the requirement to clear buildings and decontaminate the site. Also, flats with communal areas and land, place a significantly greater obligation on the provider for management intervention.

In terms of whether the scheme is commensurate/compatible with the village, the density of development and the type of dwellings (apartments with communal space) proposed are at considerable variance with the existing pattern of family houses with gardens.

The density of the development is claimed, disingenuously, in the PDAS (6.7) to be 50 dwellings/ha, based on a site area of “approximately 0.2ha”, acknowledged as considerably higher than that found in the village. Using the site area in the application form (0.14ha), the density is found to be 71 dwellings/ha. Densities of over 70 dwellings/ha are more normally associated with town centres and inner urban areas. The proposed density exceeds, by a considerable margin, the lower density minimum of 25 dwellings/ha for new residential development in minor rural settlements (Llysworney is one) specified in the Council’s own LDP policy MD6 - aimed at reflecting “the sensitive nature of many rural villages and the character of existing built form” (7.37).

Development, if permitted, would, therefore, represent a very significant “urbanising” element, in terms of design, appearance and activity levels which would be detrimental to neighbouring amenity and rural character.

4. In cases where the dwelling is to be provided by either a private landlord or the intended occupier, secure mechanisms are in place to ensure the property shall remain affordable in perpetuity

The PDAS (1.7) states that “The proposals are being brought forward by developer Castell with the view of bringing on board a zoned Housing Association to the Vale of Glamorgan.” There is no Housing Association on board which is in a position to commit to the future tenure and management of the development. Moreover, the lack of a housing association partner brings into question the legitimacy of this proposal as an exception case.

5. The development has reasonable access to the availability and proximity of local community services and facilities.

The policy requires that social and physical infrastructure be readily accessible to support the development. It is in this area that the location of the scheme is notably deficient.

The PDAS states that shops, services and facilities are located in Cowbridge, “just” 3km away and that facilities in Llysworney include a church, play area and public house which since the submission of the application has closed. Furthermore, it fails to point out that Llysworney has no school, no shop, no village hall, no bus service and no dedicated cycleways or footways to nearby towns. The PDAS also, incredulously, states (7.19) that the site “being located in a sustainable location provides opportunity for reduced parking.” Access is only available by private car; overflow parking would inevitably end up in the narrow village lanes to the detriment of highway safety.

It is difficult to see how the occupants of small flats, whose social rent occupancy indicates limited available resources, will see a part-time church and children’s play area as a substitute for having no bus service or basic essential services within walking distance. Furthermore, the probability that occupants will not have family or other social support nearby makes the remoteness of the location from health, education, employment, and culture all the more unsustainable. The development is, therefore, contrary to all the sustainability principles of Planning Policy Wales and the LDP which advocate that housing should be located in local service centres so as to minimise travel and ensure that employment, retailing, leisure, recreation and community facilities can easily be reached by walking and cycling and are well served by public transport.

It is notable that no Transport Assessment has been submitted in support of the application which might identify the traffic likely to be generated by the development. This is despite being identified as a required document in the PDAS and is a major deficiency of the application.

On the question of basic service infrastructure, the existing sewage pumping station opposite the site is under considerable pressure, without the capacity for additional flows; this has resulted in regular spills of untreated sewage effluent into the adjacent stream, with associated odour emissions (reported to Welsh Water). In addition, there will be an increase in surface water flows off the site that will add to the level of flooding presently experienced in the area, to the detriment of residents and the environment. Despite reference to previous flooding, the application is not accompanied by a Flood Consequences Assessment. Matters of drainage and flooding are identified in the PDAS as required documents and represent another information deficiency. It is also assumed that electricity/broadband provision may involve additional overhead lines adding to the general clutter and urbanisation of the area. There is no mains gas supply in the village.

In accordance with national policy and the LDP, affordable housing sites must meet all the other criteria against which a housing development would be judged and the following policy observations are pertinent.

POLICY MD8 - HISTORIC ENVIRONMENT Development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan and within conservation areas, development proposals must preserve or enhance the character or appearance of the area.

The Conservation Area boundary was amended following a review in 2009 to exclude the application site, on the basis that the farm buildings made no contribution. Nonetheless it plays a vital role in the historic landscape context of the village. Whilst the existing buildings may be of no intrinsic value themselves, they are set back from the frontage of the narrow lane entering the village from Colwinston and provide a context for Moat Farm, an important heritage asset, and frame a gateway to the village.

The proposed opening up of the site and the location of modern buildings along the road frontage would alter and detract from the present quality of entry and neither preserve nor in any sense enhance the character or appearance of the adjacent Conservation Area as policy demands.

Indeed, the Heritage Impact Statement is made on the assumption that “any new houses would be conventional two storey houses under gabled roofs, of brick or rendered walls and grey slate, synthetic slate or concrete tile roofs”. It does not address the submitted design of blocks with timber-effect cladding and metal roofs, located along the road frontage behind a grass verge which, as flagged in the PDAS (4.4), is likely to end up as a 2m wide footway to meet highway requirements.

The conspicuousness of the new development, identified in the Heritage Impact Statement, would therefore not be mitigated, as it recommends, by setting buildings “back from the road to make them less obtrusive” following the pattern typical of village housing; nor is it of design and materials chosen to blend in with the existing character of buildings in the village.

Clearly, the proposal does not follow the advice of its own heritage assessment and in the LCC’s view adversely affects the setting, character and appearance of the Conservation Area in contradiction of the intent of policy MD8 to protect the qualities of the built and historic environment of the Vale of Glamorgan.

POLICY MD7 - ENVIRONMENTAL PROTECTION Development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either: 1. Pollution of land, surface water, ground water and the air; 2. Land contamination; 3. Hazardous substances; 4. Noise, vibration, odour nuisance and light pollution; 5. Flood risk and consequences;

Loss of village hedgerows and trees is detrimental to the natural environment and local landscape, as is the provision of urban illumination in a “high quality foraging area for bats”. As referred to above, no flood consequences assessment has been provided to demonstrate the acceptability of new housing in an area known to flood, as required by detailed guidance (TAN15).

POLICY MD1 - LOCATION OF NEW DEVELOPMENT Generic guidance on new developments requires them, inter alia, to have: no unacceptable impact on the countryside; have access to or promote the use of sustainable modes of transport; benefit from existing infrastructure provision or where necessary make provision for new infrastructure without any unacceptable effect on the natural or built environment; and provide a positive context for the management of the water environment by avoiding areas of flood risk. In all these respects the development is found wanting.

Policy MD1 emphasises the importance of protecting the countryside from unacceptable and unjustified new development and cites the relevance of policy MG17.

POLICY MG17 - SPECIAL LANDSCAPE AREAS The development site falls within a designated special landscape area, within which development proposals will only be permitted where it is demonstrated they would cause no unacceptable harm to the important landscape character of the area. Development proposals within SLAs require the submission of a Landscape and Visual Impact Assessment (LVIA) where development has a significant impact by virtue of size or prominence or degree of impact on the locality and must be prepared in accordance with the latest Landscape Institute and the Institute of Environmental Management and Assessment guidelines. This is expected to form a key element of a planning application’s design and access statement and should demonstrate that the proposal has been designed to remove or reduce any unacceptable impacts on the qualities for which the SLA has been designated. A full LVIA has not been provided and is an additional information deficiency of the application.

POLICY MD2 - DESIGN OF NEW DEVELOPMENT In order to create high quality, healthy, sustainable and locally distinct places a stipulation of development is to respond appropriately to the local context and character of neighbouring buildings in terms of use, type, form, scale, mix, and density. As set out above, the design is at variance with its surroundings on all of these counts.

To conclude, the application is deficient and contradictory in its supporting information. It fails to justify the need for dwellings outside the village envelope. In promoting an unsustainable high-density development of a type, materials and design totally unsympathetic to the rural character of the area and heritage status of the village, it fails to satisfy the criteria of the Council's own LDP policy and national policy set out in Planning Policy Wales. The LCC, therefore, looks to the Council to support these findings and refuse the application.

Yours sincerely,

A large black rectangular redaction box covering the signature of David-Lloyd Jones.

David-Lloyd Jones.

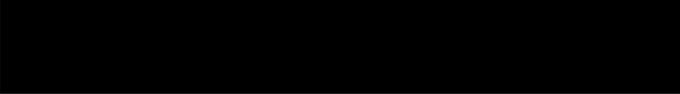
cc. Cllr. C. Cave, A. Cairns MP, Jane Hutt MS, Andrew R.T. Davies MS, Rhys ab Owen MS, Joel James MS, Heledd Fychan MS.

CYNGOR CYMUNEDOL LLANDOW LLANDOW COMMUNITY COUNCIL

Clerk: David-Lloyd Jones

APPENDIX 1

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Julie James MS
Minister for Housing and Local Government
Welsh Government
5th Floor
Tŷ Hywel
Cardiff Bay
CF99 1NA

29th August 2022

**RE: PLANNING APPLICATION 2022/00792/FUL Land at Moat Farm, Llysworney.
Proposed residential development of 10 dwellings and associated works**

Dear Ms James,

I write on behalf of Llandow Community Council (LCC) in respect of the above application which, we understand the Planning Authority, Vale of Glamorgan County Borough Council must refer to you if it is minded to grant planning permission under the category: (ii) Major Residential Development – residential development of 10 or more residential units which is not in accordance with one or more provisions of the development plan in force (Vale of Glamorgan Local Development Plan 2017 – LDP).

The planning authority has excluded the application from the definition of major development by virtue of the ten dwellings being in buildings which are horizontally rather than vertically divided (flats not houses) under The Town and Country Planning (Development Management Procedure) (Wales) Order 2012). This has enabled the project to bypass statutory pre-application publicity under the Planning Wales Act 2015. We contend that this fails to conform to the intention of the Act and request that you look into this as a potential loophole. Lack of publicity, along with the timing of the submission, has drawn considerable criticism from local residents, particularly when it is presented as a proxy Council scheme to address its own waiting list, albeit in the absence of a registered social landlord partner. For these reasons, we ask the Welsh Government to use its discretionary powers to 'call in' the application for ministerial determination on the grounds that the proposal raises planning issues of more than local importance (PPW 1.35), being:

- in conflict with national planning policies;
- could have wide effects beyond their immediate locality;
- may give rise to substantial controversy beyond the immediate locality; and
- likely to affect historic interest or areas of landscape importance

The planning authority's role is a matter which the Minister may also consider to be an issue which has wider implications; notably, this is the second such application made recently within our rural Community Council area where the Council is seemingly promoting and supporting development on its own behalf in contradiction of LDP and Welsh Government policy. That application, in Sigingstone (2021/00209/FUL), is also subject of a request for Ministerial call-in and remains pending. There are significant parallels in the two cases. The lack of transparency in the promotion of this latest scheme and speculations of collusion are fuelled by the Council's recent refusal of a Freedom of Information request by the LCC to disclose the planning response to a pre-application inquiry, made in order to understand the evolution of the proposed development (which is otherwise openly referred to in the applicant's supporting documentation¹).

The application for affordable homes lies outside the development boundary of the village of Llysworney and is contrary to the Vale of Glamorgan Local Development Plan policy.

MD10 - AFFORDABLE HOUSING DEVELOPMENTS OUTSIDE SETTLEMENT BOUNDARIES:

Small scale affordable housing developments will be permitted outside settlement boundaries where they have a distinct physical or visual relationship with an existing settlement and wherein is demonstrated that:

- 1. The proposal meets an identified local need which cannot be satisfied within identified settlement boundaries;*
- 2. The number of dwellings is in proportion to the size of the settlement;*
- 3. The proposed dwelling(s) will be of a size, tenure and design which is commensurate with the affordable housing need;*
- 4. In cases where the dwelling is to be provided by either a private landlord or the intended occupier, secure mechanisms are in place to ensure the property shall remain affordable in perpetuity; and*
- 5. The development has reasonable access to the availability and proximity of local community services and facilities.*

The letter of representation by the LCC, attached, sets out why we consider the development to be contrary to the LDP policy in respect of its disproportionate scale, its inappropriate physical, visual and contextual relationship with the settlement and its failure to meet conditional requirements 1, 2, 3, 4 and 5. The LDP falls within the framework of national planning policies set out in 'Planning Policy Wales' (PPW). Accordingly, the proposal is also contrary to PPW for the summary reasons provided below. We have not sought to repeat the details contained in our attached correspondence.

PPW requires that affordable housing on exception sites should meet the needs of local people through working in partnership with local stakeholders (4.2.8), a collaboration that has not taken place, and should meet all the other criteria against which a housing development would be judged, including national sustainable placemaking outcomes (4.2.34). Our letter challenges the claim that the development meets the needs of local people and sets out how it fails to satisfy the delivery of sustainable outcomes required by PPW.

In particular, in terms of strategic and spatial choice, PPW requires development in the countryside to be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation (3.60). Housing should be located in local service centres (3.40) so as to minimise the need for long distance commuting and ensure that employment, retailing, leisure and recreation, and community facilities can be easily reached by walking or cycling, and are well served by public transport (3.50). Llysworney, a small village of some 75 dwellings, is not identified in the LDP as such a service centre and, as the accompanying letter points out has little service or community infrastructure.

¹ *Planning and Design Statement - 4.1*

Indeed, PPW's theme for active and social places identifies sustainable access to services, cultural opportunities and recreation facilities as necessary for healthy, culturally fulfilled lifestyles and requires reduced reliance on travel by private car, specifying that authorities must direct development to locations well served by public transport (4.1.37). There is no public transport in the village, necessitating reliance on households having access to a car.

Under PPW's theme of distinctive and natural places planning authorities, PPW (6.0.2) seeks protection of "the special and unique characteristics and intrinsic qualities of the natural and built environment in their own right, for historic, scenic, aesthetic and nature conservation reasons. These features give places their unique identity and distinctiveness and provide for cultural experiences and healthy lifestyles." The site abuts a Conservation Area and is located within a Special Landscape Area, both these aspects and the context of the existing village are largely ignored in the development which promotes a design, density, type and pattern of housing totally at variance with the village and devoid of supporting services. Both the efficacy of the foul drainage proposals and the risk to surface waters, together with the wider flood consequences fail to be fully addressed in the application as required by PPW (6.6.25).

In conclusion, the LCC believes that this conflict with PPW policy, establishing precedent and giving rise to potential controversy beyond the immediate locality, is sufficient to warrant consideration of the scheme by the Welsh Government.

Yours sincerely,

A large black rectangular redaction box covering the signature of David-Lloyd Jones.

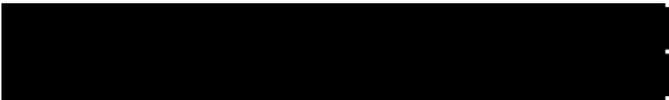
David-Lloyd Jones.

cc. Chole Jones, Vale of Glamorgan CBC, Ian Robinson, Vale of Glamorgan CBC, Cllr. Christine Cave, Alun Cairns MP, Jane Hutt MS, Andrew R.T. Davies MS, Rhys ab Owen MS, Joel James MS, Heledd Fychan MS.

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Vale of Glamorgan Planning Department – FAO Chloe Jones.

13th January 2023

Dear Sirs,

Amended Planning Application 2022/00792/FUL: Land at Moat Farm, Llysworney Proposed residential development of 7 dwellings and associated works

In its letter of 7 August 2022 Llandow Community Council (LCC) raised strong objection to the previous iteration of the application, reflecting the feelings of the local community. Objection was on the grounds that there is no demonstrable exception to policy which warrants the development of new dwellings outside the village settlement boundary and that such development is unsustainable, incompatible in scale and design to the character of the village of Llysworney and its conservation status.

The application has been amended, it is assumed with some encouragement from the local authority, so that the scheme now comprises 3 houses and 4 flats, instead of the original 10 flats, with an identified occupancy of 22 persons instead of the original 26. It is also noted that the amended scheme incorporates additional land within the red line (site) boundary amounting to an approximate 25% increase. The revisions are contained in new drawings with no supporting documentation explaining the background to and justification for the changes, or the impact of those changes.

The LCC has considered the amendments thoroughly and listened to the response of local residents, both through their individual representations and as expressed at a public meeting on 12th January 2023. The LCC wishes to note that not all residents who responded to the Council regarding the original application have been reconsulted on the amendments.

We retain our objection to the development, the details of which are set out fully in our letter of 7 August 2022, and which should be read in conjunction with our further comments below.

On a procedural point, we question the validity of a revision which incorporates a 25% increase in the size of the site. A material variation of this magnitude is expected to prompt a new application. Ownership of the additional land has also been questioned and thus the validity of the application certification. The additional land is separated from the proposed built development by a stream and no specific explanation of its purpose, other than that of meadowland shown on the drawing, is offered. Accordingly, it has fuelled speculation, from it being a cynical attempt to make the housing density figure look better, to concern about it being a bank for future development with access to adjacent land in the same ownership (a speculation largely supported by the new layout). Therefore, a response is sought from the Planning Authority on the legitimacy of expanding the site area of the application during the course of its determination.

Our primary issue, however, remains that the proposal flies in the face of the Council's own planning policy and stated housing strategy, being, inter alia, in a wholly unsustainable location with no social, educational, health, welfare or transport facilities or reasonable access to them. Should the Council be minded to support a proposal in such clear contradiction of its own policies the correct and transparent means of pursuit should be through alteration of said policies in its Replacement Local Plan.

It is for these reasons of lack of policy transparency and the authority's procedural practice on applications which are, it must be emphasised, intended to address its own housing waiting list, that the LCC continues to seek tandem referral of both this application and a similar application for 10 dwellings in Sigingstone 2021/00209/FUL (also within this Community Council's area) to the Welsh Government.

Our comments specific to the amended scheme are as follows:

POLICY MD10 - AFFORDABLE HOUSING DEVELOPMENTS OUTSIDE SETTLEMENT BOUNDARIES

Policy MD10 allows small scale affordable housing developments outside settlement boundaries where they have "a distinct physical or visual relationship with an existing settlement" and satisfy several important criteria.

Notwithstanding the revisions to dwelling type and numbers, the scheme still comprises three buildings in similar configuration to the original (two frontage and one to the rear). These buildings, by reason of location and design (including non-conforming materials and layout), amount to an intrusive modern urban outlier development (separated from village by a field), extending into open countryside and having no clear and distinct physical or design relationship with the existing settlement.

Local Need

Any exception proposal must meet an identified local need, meaning households with a local connection to the area. This issue was addressed at length in our previous letter and has not altered. The LCC has received no requests for assistance in seeking social rent housing in Llysworney or vicinity. The applicant has offered no further evidence of waiting list demand or distribution within the wider Council ward which has considerably reduced in size since figures were compiled. The highest areas of need for affordable housing continue to be in Barry, Penarth and Llandough. Whilst lettings policy on new homes will favour those with a local connection, as opposed to the housing priority which has prevailed to date, it is likely that none of the potential residents would have any connection with the village or local area and this is not a foundation for community integrity. Moreover, the small size of the dwellings and their rural isolation may suggest a high turnover of tenancies which would exacerbate the potential for integration.

Scale of Development

Housing proposals are expected to be proportionate in scale to their setting. The reduction in unit numbers and increase in site area has reduced the density of the development from 71 dwellings/ha to 41 dwellings/ha (50/ha if the additional land is discounted). This still exceeds, by a considerable margin, the lower density minimum of 25 dwellings/ha for new residential development in minor rural settlements (Llysworney is one) specified in the Council's own LDP policy MD6 - aimed at reflecting "the sensitive nature of many rural villages and the character of existing built form" (7.37). It also exceeds, by a bigger margin, the density of housing in the village as a whole. If one takes occupancy per hectare, the density improvement of the amended scheme over the original is much diminished, emphasising the development's incompatibility.

As previously asserted, significant scale development on this site, segregated from the village by open farmland in front of Moat Farm, creates a precedent for future development between it and the core of the settlement, in conflict with the development policies operative and the character of the Conservation Area. The call-for-sites register, in respect of the Replacement Plan, may ultimately provide evidence for this concern (following a past offer of the site for housing in relation to the current LDP). By expanding the site area of the application to the north, contiguous with other land in the same ownership, the amended scheme has fuelled further speculation about landowner intentions, not least as open space within the layout so clearly offers potential for future through vehicular access.

Size and Design

Design is supposed to be commensurate with the affordable housing need. The scheme has been revised from a mix of 10 x 1 and 2 bed flats to 4 x 1 and 2 bed flats and 3 x 2 bed houses. The LCC has no way of discerning whether the units are any more commensurate with a need generated outside the area than those in the original scheme. The clear incompatibility of flats with the type of housing in the village is, no doubt, the reason for this change.

Housing Provider

The amendments have not brought forward a Registered Social Landlord who is in a position to commit to the future tenure and management of the development. As such, the scheme continues to be a speculative venture by a developer whose lack of any Housing Association partner brings into question the legitimacy of the proposal as an exception case.

As the applicant is not the social housing provider, it is not clear whether the proposal would satisfy the needs or budget of such a provider. This is a particular issue given the requirement to clear buildings and decontaminate the site but also to reinforce the existing village water supply infrastructure (Dwr Cymru 05-08-2022 Consultation Response) and, potentially, move a public sewer. There is also concern over the viability of sustainable drainage for the development, given the nature of the ground and its position in the lowest part of the village which experiences regular flooding from surface water. All these infrastructure provisions are a cost to the project and have detrimental implications for existing and future residents and the environment if not fully implemented. Indeed, the revisions may have compounded the capital cost and maintenance of the development – the cost-efficiency of a detached 2 bed unit, in particular, seems questionable (and open to subsequent change). The replacement of some of the flats with houses and gardens is acknowledged to be more in-keeping with the housing type in the village (although the design and materials remain at variance) but, the introduction of additional undesignated communal areas has increased the potential for misuse and the provider's obligation for maintenance and intervention.

Availability of Community Services and Facilities

Policy requires that social and physical infrastructure be readily accessible to support the development. It is on this issue where the scheme, in both its amended and original form, is most lamentably deficient. Water, sewerage and drainage infrastructure have already been referred to with reference to the viability of the project, and residents have repeatedly drawn attention to the inadequacy of local roads and the implications of additional traffic and parked vehicles for the safety of existing and future residents.

Whilst account has to be taken of lower service provision in rural areas, lack of infrastructure support for the health and well-being of residents is of primary concern to the LCC. We, together with existing residents, fail to see how those with the least available resources can be expected to cope with the higher costs of living in an area with no bus service or basic essential services – school, medical and welfare facilities, shops, employment – within walking distance. The fact that the latest design has 10 car parking spaces is testament to the imperative need for a private car. It is a perfectly unsustainable location! This is presumably why the Planning Authority has not deemed it suitable for standard housing development. The amended scheme does not address or alter this very fundamental problem.

All our other detailed points of objection to the original scheme also still apply.

To conclude, the LCC both questions the legitimacy of the application in its amended form and regards the amended content, which remains deficient and contradictory in its supporting information, as failing, in common with the original scheme, to justify the need for affordable dwellings outside the village envelope. In promoting an unsustainable high-density development of a type, materials and design totally unsympathetic to the rural character of the area and heritage status of the village, and with no Housing Association partner on board, it fails to satisfy the criteria of the Council's own LDP policy and national policy set out in Planning Policy Wales. The LCC, therefore, looks to the Council to support these findings and refuse the application.

Yours sincerely,



David-Lloyd Jones.

cc. Cllr. C. Cave, A. Cairns MP, Jane Hutt MS, Andrew R.T. Davies MS, Rhys ab Owen MS, Joel James MS, Heledd Fychan MS.

2023/00381/FUL Received on 6 April 2023

APPLICANT: Mr. Peter Davies 11, Dyffryn Close, St. Nicholas, CF5 6SS

AGENT: Sustainable Studio Architects 1, Gold Tops, Newport, NP20 4PG

11, Dyffryn Close, St. Nicholas

Demolition of existing annex and construction of a two storey side extension with associated works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because:

The application has been called in for determination by Cllr Ian Perry for a number of reasons summarised as below:

- The properties on Duffryn Close are locally listed and within the St Nicholas Conservation Area
- There is a key issue of symmetry and architectural unity with other properties on Duffryn Close.
- There is no annex. Wash houses were built at the sides of the Locally Listed buildings/development as an integral part of the building and are a key feature of the protected layout of Duffryn Close. They contribute to the symmetry of the Close.
- The footprint of the property is significantly altered by the proposal. The frontage is moved forward, and the width of the building reduced.
- The proposal would also result in a significant change to the roofline, further harming the street scene.
- Any new roofing should match the original roofing in height and be covered with double lapped concrete tiles with swept tile valleys and no plastic trims.

EXECUTIVE SUMMARY

The application relates to 11, Dyffryn Close, a semi-detached dwelling located within the St Nicholas Conservation Area. Permission is sought for the demolition of the existing annex in order to construct a two-storey side extension with associated works.

11 Dyffryn Close has been subject to previous planning application ref. 2022/01347/FUL. This application was refused by reason of its siting, scale, form and design, and prominence from public vantage points, where the proposed two storey side extension represented an inappropriately designed form of development that would appear as an incongruous addition to the dwelling, adversely impacting on its character as an identified Positive Building and County Treasure and would also be harmful on the spaciousness and uniform character of Dyffryn Close.

The current application is a resubmission for a similar two storey side extension; however, the design and materials of the proposal has been materially altered to match the existing host dwelling.

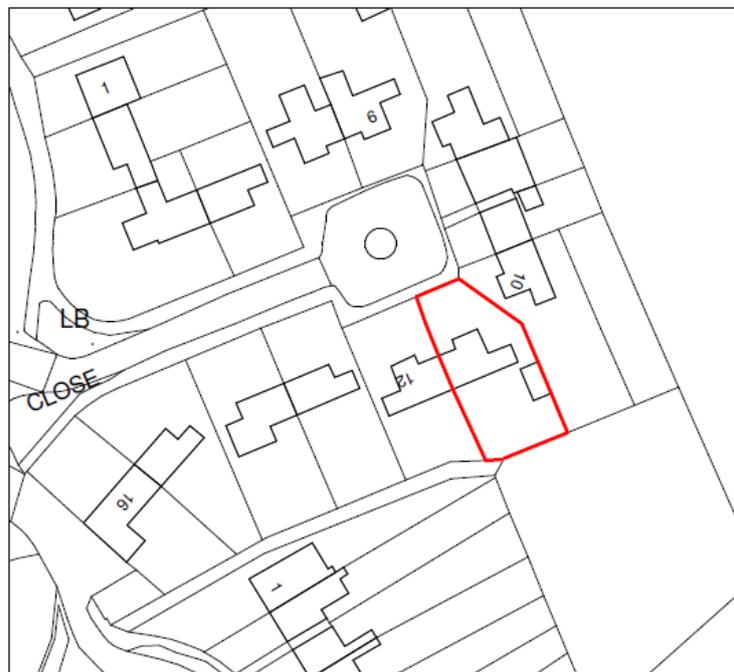
This is a full application for the demolition of the existing annex in order to construct a two-storey hipped roof side extension with associated works. The proposed extension would have the following approximate dimensions: a width of 4.3m, a depth of 6.2m, an eaves height of 4.8m (to match the existing dwelling) and a total height of 7.7m (when measured from the rear). Plans have been provided and can be seen below.

The extension will provide a kitchen diner at ground floor level and a bedroom with on suite to 1st floor. Materials and finishes will comprise of rendered walls, white UPVC windows and slate tiles.

Having considered all of the above, including the alterations from the previously refused proposals on balance the proposals are considered acceptable, and the application is recommended for approval.

SITE AND CONTEXT

The application site relates to 11, Dyffryn Close, St Nicholas which is a semi-detached two storey three-bedroom dwelling located within the settlement boundary of St Nicholas as identified by the Vale of Glamorgan adopted Local Development Plan 2011 – 2026. The dwelling is also located within the St Nicholas Conservation Area and is identified as being a Positive Building and is locally listed as a County Treasure. An extract of the site location plan has been provided and can be seen below.



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DESCRIPTION OF DEVELOPMENT

This is a full application for the demolition of the existing annex in order to construct a two-storey hipped roof side extension with associated works. The proposed extension would

have the following approximate dimensions: a width of 4.3m, a depth of 6.2m, an eaves height of 4.8m (to match the existing dwelling) and a total height of 7.7m (when measured from the rear). Plans have been provided and can be seen below.

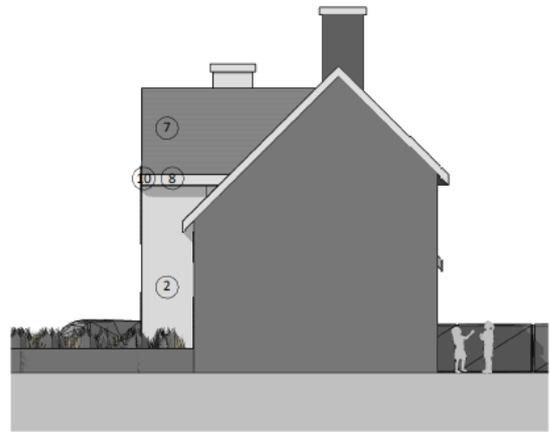
The extension will provide a kitchen diner at ground floor level and a bedroom with on suite to 1st floor.

Materials and finishes will comprise of rough cast rendered white walls, concrete decorative window surrounds (to front), white UPVC windows to front and grey windows and roofs to the rear and clay roof tiles.

Existing Elevations



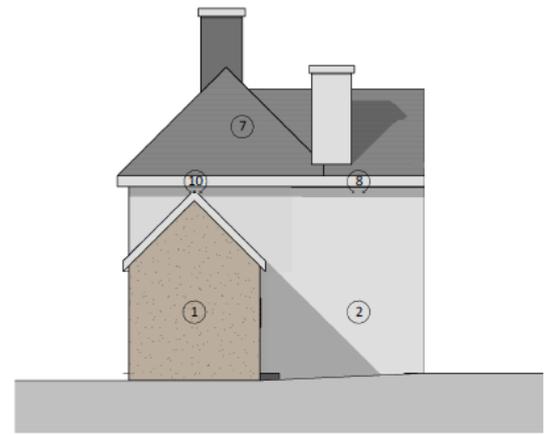
④ Existing North-East Elevation
1 : 100



⑦ Existing North-West Elevation (in section)
1 : 100



⑥ Existing South-West Elevation
1 : 100

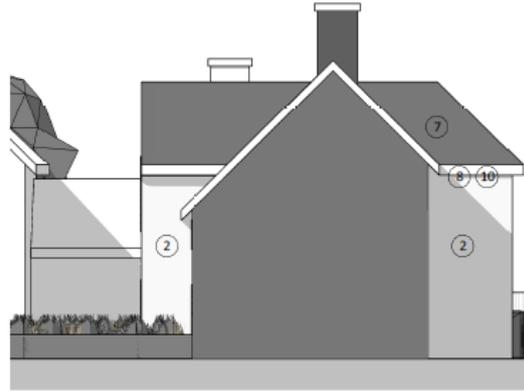


⑤ Existing South-East Elevation
1 : 100

Proposed Elevations



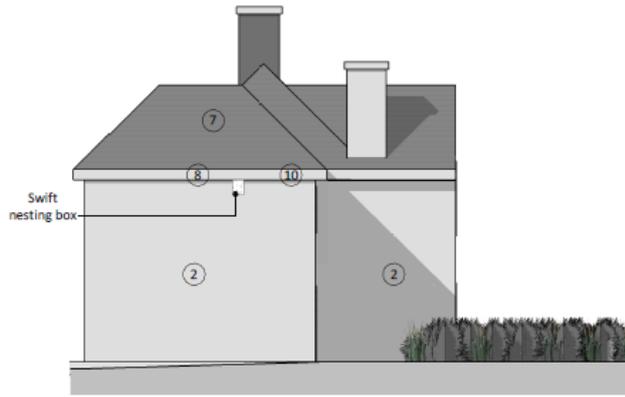
⑦ Proposed North-East Elevation
1 : 100



④ Proposed North-West Elevation (Section)
1 : 100



⑥ Proposed South-West Elevation
1 : 100



⑤ Proposed South-East Elevation
1 : 100

PLANNING HISTORY

2020/00316/FUL, Address: 11, Dyffryn Close, St Nicholas, Proposal: Replace existing roof tiles, ridges, roof felt and battens due to roof leaking, Decision: Approved

2022/01347/FUL, Address: 11, Dyffryn Close, St. Nicholas, Proposal: Demolition of existing annex and construction of a two-storey side extension with associated works, Decision: Refused 17 February 2023 for the following reason :

1. *By reason of its siting, scale, form and design, and prominence from public vantage points, the proposed two storey side extension represents an inappropriately designed form of development that would appear as an incongruous addition to the dwelling, adversely impacting on its character as an identified Positive Building and County Treasure and would also be harmful on the spaciousness and uniform character of Dyffryn Close. As a result, the proposal would fail to preserve the*

character of the St Nicholas Conservation Area. The proposal is therefore considered contrary to Policies SP10 (Built and Natural Environment), MD2 (Design of New Development), MD5 (Development within Settlement Boundaries) and MD8 (Historic Environment) of the Vale of Glamorgan Local Development Plan (2011 - 2026); the guidance set out within the Residential and Householder Development Supplementary Planning Guidance and Technical Advice Note 12-Design (2016), and the aims of Section 72(1) of the Town and Country Planning (Conservation Areas and Listed Buildings) Act 1990.

CONSULTATIONS

Llancarfan Community Council were consulted on 12 April 2023. To date, no letters of consultation have been received.

St. Nicholas and Bonvilston Community Council were consulted on 12 April 2023. To date, no letters of consultation have been received.

Councils Estates (Strategic Property Estates) were consulted on 12 April 2023. To date, no letters of consultation have been received.

St Nicholas and Llancarfan ward member were consulted on 12 April 2023 and Cllr Ian Perry responded. In addition to calling the application in for Committee determination, has made the following comments (as summarised) ∴

- The properties on Duffryn Close are locally listed and within the St Nicholas Conservation Area
- There is a key issue of symmetry and architectural unity with other properties on Duffryn Close.
- Wash houses were built at the sides of the Locally Listed buildings/development as an integral part of the building and are a key feature of the protected layout and symmetry of Duffryn Close.
- The footprint of the property is significantly altered by the proposal. The frontage is moved forward, and the width of the building reduced.
- The proposal would also result in a significant change to the roofline, further harming the street scene.
- Any new roofing should match the original roofing in height and be covered with double lapped concrete tiles with swept tile valleys and no plastic trims.

REPRESENTATIONS

The neighbouring properties were consulted on 12 April 2023 and to date, no letters of representation have been received.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP10 – Built and Natural Environment

Managing Development Policies:

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD8 - Historic Environment

POLICY MD9 – Promoting Biodiversity

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

Chapter 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

Planning Policy Wales:

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

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

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.*

3.15 - *Development plans should include policies and guidance that promote good design in the built environment and be sufficiently robust to refuse poor quality development proposals.*

3.16 - *Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns, they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the proposal meets the objectives of good design including the relationship between the site and its surroundings.*

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 floor scape, architecture and historic quality, landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements).”

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

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

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Conservation Areas in the Rural Vale
- County Treasures
- St Nicholas Conservation Area Appraisal and Management Plan
- Residential and Householder Development (2018)

The following advice is considered of particular relevance

8.1.2. *New development should be sympathetic to the existing in terms of scale, massing, form, positioning, detailing and materials. Regard should also be had to the relationship of the development to open space, including residential garden, and established visual breaks in the street scene. These principles shall apply to new houses, extensions and garages / outbuildings.*

8.2.2. Key principles:

- i. The architectural style of new development should be complementary to that of the original property and buildings in the surrounding area.*
- ii. The architectural detailing on the existing property should be repeated, where appropriate. This includes the continuation of plinths, stringcourses, decorative brickwork, bargeboards, sills and fascia; these are important elements in the overall design of new development. The repeat of details such as decorative bargeboards, quoins or brickcourses can also help to integrate the development into its context.*
- iii. Where innovative, contemporary and modern development is proposed, a sound understanding of design and the context of the development should be demonstrated. The design should appropriately respond to the character of the property and the area.*

8.8.2 Key principles for side extensions:

- i. The extension should be proportionate to the width of the original property.*
- ii. Any symmetry that is identified in the existing built development should be retained. Development that 'unbalances' a pair of semi-detached properties should be avoided, as it is also likely to adversely impact on the street scene.*
- iii. New extensions should not result in a 'terracing effect' (i.e., where the gap between detached or semi-detached properties is lost).*
- iv. The ridgeline of the roof should be lower than that of the main roof.*

9.1.2. Key principles:

- i. Two-storey development, large single storey extensions and/or large structures should in most cases be set away from the boundary adjacent to the garden of a neighbour's property.*
- ii. Development should not unreasonably enclose a neighbour's immediate outlook.*
- iii. Development should not cast large shadows onto a neighbour's house or garden.*
- iv. Development that results in a significant loss of daylight and / or sunlight to habitable rooms (i.e., living room, main bedroom, kitchen and dining room) or private garden areas of neighbouring properties are likely to be harmful.*
- v. Thought should be given to the orientation of the development in relating to the sun so as to minimise its overshadowing impact on a neighbour's property.*
- vi. Consideration should be given where there is a change in levels between your property and a neighbouring property must ensure that your neighbour's existing residential amenity is safeguarded.*

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the preparation of this report.

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

The application dwelling (11 Dyffryn Close) has been subject to recent planning application ref. 2022/01347/FUL, which was refused.



Proposed North-East Elevation
1 : 100



Proposed North-West Elevation (Section)
1 : 100



Proposed South-West Elevation



Proposed South-East Elevation
1 : 100

Refused Proposed Elevations ref. 2022/01347/FUL

The application was refused on the grounds that the siting, scale, form and design, and prominence from public vantage points, of the proposed two storey side extension was considered to represent an inappropriately designed form of development that would appear as an incongruous addition to the dwelling, adversely impacting on its character as an identified Positive Building and County Treasure and would also be harmful on the spaciousness and uniform character of Dyffryn Close. As such the proposal would be contrary to both the local and national planning policies and listed above (see planning history for full reason for refusal).

The current application continues to propose a two storey side extension, however, the form and design of the proposal has been materially altered.

The primary issue to consider is therefore whether the previous reason for refusal of planning application ref. 2022/01347/FUL has been overcome, having regard to the impact of the proposal upon the character of the Positive Building and County Treasure, the spaciousness and uniform character of Dyffryn Close and whether the proposal would preserve (or enhance) the character of the Conservation Area.

Design and Visual Impact

Policy SP10 (Built and Natural Environment) of the Vale of Glamorgan Local Development Plan 2011-2026 (LDP) states that development proposals must preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan including, amongst other things:

1. *The architectural and or historic qualities of buildings or conservation areas, including locally listed buildings*

Policy MD2 of the Council's LDP states that development proposals should

1. *Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest.*
2. *Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density”.*

This is echoed in policy MD5 which states that development proposals should be “*of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality”.*

The application dwelling is part of a pair of semi-detached dwellings, located within Dyffryn Close, which comprises of post war Council houses constructed by Cardiff Rural District Council during the late 1940s, to provide the community with further rented accommodation.

All of the properties within the close are Positive buildings as identified within the St Nicholas Conservation Area Appraisal and Management Plan (CAMP) and are locally listed as County Treasures. The site is located within the St Nicholas Conservation Area and therefore, Policies MD8 and SP10 of the LDP are of particular relevance. Both policies require the character of conservation areas to be preserved or enhanced, and this reflects the duty imposed under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal would seek to demolish the set back single storey side wing (some 4.5m in width and 3.5m in depth). This is currently used as a dining room, but it is believed that they were originally used as wash rooms. As in the consideration of planning application ref. 2022/01347/FUL, this would result in the loss of an original part of the dwelling, which contributes to the character of the dwelling. However as previously considered, its loss would not cause such a degree of harm on the character of the dwelling, the wider street scene or the Conservation Area, to warrant refusal on this ground alone.

The proposal seeks a two-storey hipped roof side extension, which is set approximately 3.7m back from the principal elevation and it would be some 0.6m further forward than the demolished single storey wing. Despite the set back the extension would still be visible from the eastern end of Dyffryn Close. The ridge of the extension would be set some 0.6m below the ridge of the main dwelling. In addition to the proposed hipped roof and the width and depth of the extension, the general siting and massing of the extension is considered

to be acceptable and it would be a proportionate width when considered in the context of the original property.

In respect of materials and finishes, the agent has specified clay tiles to the roof. However given the varied range of tiles available, it is considered necessary to request details of all roof materials, prior to their use on site, to include samples and specifications of the proposed roof, ridge and hip tiles (which shall as far as is practically possible shall match the existing roof of the dwelling) (**Condition 4** refers)

The proposed amended plans show that the elevations are to be rough cast rendered and painted white to match the existing dwelling (which is finished in a roughcast render), which is acceptable, a sample panel of which shall be made available for inspection, which shall be required by condition (**Condition 5** refers). The door and window surrounds to the front elevations are shown to reflect those of the quoin surrounds of the existing dwelling. However, whilst referenced on the plans, no construction details have been provided to show how this quoin detailing will be formed. It is therefore necessary to require further details (**Condition 5** refers), to ensure that this detailed characteristic of the dwellings within the close is appropriately executed.

The windows proposed to the front are to be a match the modern white UPVC units in the main house, which are considered to be acceptable as is the use of grey windows on the rear elevation.

Given the relationship of the existing dwelling and the neighbouring property at 10, Dyffryn Close, the existing gap between the two dwellings is considered to make a positive contribution to the setting of the application dwelling and the terrace at the head of the close, which contributes to the overall character of cul-de-sac. It is further considered that this gap is particularly sensitive to the introduction of extensions, noting that the single storey wing maintains the spacious gap to the side of the dwelling. The proposal is set back from the principal building line by approximately 3.7m and the proposed extension is sited approximately 2.8m off the boundary shared with no.10. The addition of a two storey extension would change the character of the property and reduce the gap and spaciousness to the terraced block at the head of the close. However, given the amended design of the extension within this application, the impact on spaciousness between dwellings whilst having some impact on the symmetrical layout at the head of the close, would not be considered so harmful on the character of the street scene to negatively impact on it and as such would be considered to preserve the character of the Conservation Area.

To conclude it is considered that the proposal overcomes the previous reason for refusal where its design, form and materials proposed are now considered as an acceptable extension to the dwelling and would not negatively impact on its character as an identified Positive Building and County Treasure, would not be harmful to the spaciousness and uniform character of Dyffryn Close and would preserve the character and appearance of the St Nicholas Conservation Area.

Impact on Neighbouring Amenity

Criterion 8 of Policy MD2 states that development proposals should “Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.” As the proposed two storey extension is to be sited on the eastern

side elevation of the property, it is not considered that it will result in any adverse impact on the amenity of the adjoining semi detached neighbour at no.12.

With regard to the impact on the neighbour situated at no.10, this property is located at the head of the close at 90 degrees to the application dwelling. The proposal would be set approximately 2.8m off the side garden boundary of no.10 and would be an approximate depth of 6.2m parallel with this boundary. This part of the boundary next to the extension comprises of a circa 3m high dense conifer hedgerow. The replacement two storey extension would be some 0.2m narrower than the existing single storey wing and there will still be a footpath gap between the side of the extension and the hedge. The two-storey extension will be more prominent when viewed from the rear garden of no. 10, but due in part, to its hipped roof and set down ridge, it is not considered to unacceptably impact on the outlook of the rear garden of no. 10, given the proportion and part of the garden that would be impacted upon and the size of the neighbours garden. Due to the siting of the proposed extension and the orientation and relationship with No 10, it is not considered that the extension will have an overbearing impact or enclose the outlook of any habitable windows within this property.

The Residential and Householder Development SPG (2018) states that a minimum distance of 21 metres should be achieved between opposing windows in habitable rooms. Where habitable room windows of a neighbouring property are at an angle of less than 90 degrees to the habitable room windows in new development (i.e. windows not directly opposing), the minimum distance between the opposing windows may be reduced. The reduction of distance between principal windows is dependent upon the horizontal angle included between the shortest line joining any part of the principal window.

No windows are proposed at first floor level in the side elevation of the extension. In respect of overlooking of the garden front garden of no.10, the en-suite window to the front elevation, would result in overlooking of the existing front garden, however this garden is already overlooked by the existing windows in the front elevation of the application dwelling. In respect of overlooking from the first floor en-suite window, toward the windows in the front elevation of No.10, the angle of view would be very acute and as such the distance and respective angles between windows is such that it would not result in unacceptable overlooking of the habitable rooms in the front elevation of the dwelling in line with the guidance set out in the SPG.

Whilst the first-floor rear facing windows serving the bedroom will provide closer range views of the rear garden of no. 10, the degree of overlooking, due to the set off of the windows from the boundary would not result in an unacceptable loss of privacy given that the rear garden is already overlooked to a slightly lesser degree.

Parking

The property currently benefits from off street, private parking on the driveway for two / three cars, which remains unaltered by the proposal. Therefore, whilst it is noted that the extended dwelling would provide an additional bedroom (going from a three to four bedroom dwelling), this would not require an increased provision, based on the Parking Standards which states a maximum requirement of three parking spaces for a dwelling with three or more bedrooms. It is therefore considered that the proposal is acceptable and in compliance with Criterion 6 of policy MD5 which states: proposed development should have “no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking” and the Adopted Parking Standards SPG.

Amenity Space

Criterion 9 of Policy MD2 states that development proposals should “Provide public open space, private amenity space and car parking in accordance with the council’s standards.” Whilst the proposal would result in a loss of some amenity space to the rear and side of the property, it is considered that the remaining area is sufficient to serve the extended dwelling and the needs of the dwelling occupiers.

Biodiversity

Paragraph 6.4.5 of Planning Policy Wales (Edition 11, 2021) states that “*Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.....*”. Correspondence with the applicant has confirmed that a Swift Nesting Box will be installed on the South Eastern elevation, as detailed on the amended plan, to encourage nesting. Therefore, it is considered that the proposal would result in a net benefit in terms of biodiversity and will be secured by way of Condition (Condition 3 refers).

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

PL 001- Site Location Plan and Block Plans
PL 003 Proposed Drawings Rev F (Received 17/07/2023)

Reason:

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

3. The biodiversity enhancement measures set out in plan ref: PL 003 Proposed Drawings Rev F (Received 17/07/2023) shall be carried out in full prior to the first beneficial occupation use of the extension and thereafter retained in accordance with the approved details whilst the development remains in existence.

Reason:

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

4. Notwithstanding the submitted plans and prior to their use on site, samples and specifications of the proposed roof, ridge and hip tiles (which shall as far as is practically possible shall match the existing roof of the dwelling) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason:

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

5. Prior to work commencing on the external facing of the development hereby permitted, a sample panel of a minimum of 1 square metre of the proposed white painted roughcast render which and shall include a sample of the quoin surrounds, shall be prepared and made available for inspection and final written approval by the Local Planning Authority. Construction work shall only commence once written approval has been given, and the approved panel shall be retained throughout the period of development and shall form the basis of work to walls and external surfaces of the development.

Reason:

To enable the quality of the render to be inspected in the interests of the visual quality of the work and to accord with the objectives of Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 (Delivering the Strategy), MD2- (Design of New Development), MD5 (Development within Settlement Boundaries), MD8 (Historic Environment) and MD9 (Promoting Biodiversity) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 it is considered that the proposal is of a suitable design and scale to preserve the character of the property and the surrounding area and does not impact on the amenity and privacy of neighbouring properties and would secure biodiversity enhancements.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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

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

NOTE:

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

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

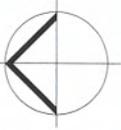
The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised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

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

Responsibility is not accepted for errors made by others in scaling from this drawing.
All construction information should be taken from figured dimensions only.

0m 50m

NORTH



2023/00381/FUL

0 05/02/2023 Revised for planning

STATUS | REV | DATE | DESCRIPTION

CLIENT

Mr & Mrs Davies

REVISED BY

AJ

Sustainable
Studio
Architects



PROJECT

Extension & Renovation
11 Duffryn Close, St Nicholas, CF5 6SS

DRAWING TITLE

Site Location Plan & Block Plans

DRAWING STATUS

PL : PLANNING

As indicated

@ A3

DRAWING NUMBER

PL-001

SCALE

As indicated

@ A3

REVISION

D



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OS PLAN

1 : 1250



Existing Block Plan

1 : 500



Proposed Block Plan

1 : 500

2023/00740/FUL Received on 12 July 2023

APPLICANT: Mr and Mrs Richard and Anne Prosser 16 Heol Y Frenhines, Dinas Powys, CF64 4UH

AGENT: Mr and Mrs Richard and Anne Prosser 16 Heol Y Frenhines, Dinas Powys, CF64 4UH

16, Heol Y Frenhines, Dinas Powys

Retention of a 6ft fence to the side / rear of the property to enclose the garden. The fence is set back from the boundary line approximately 20 cm

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

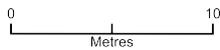
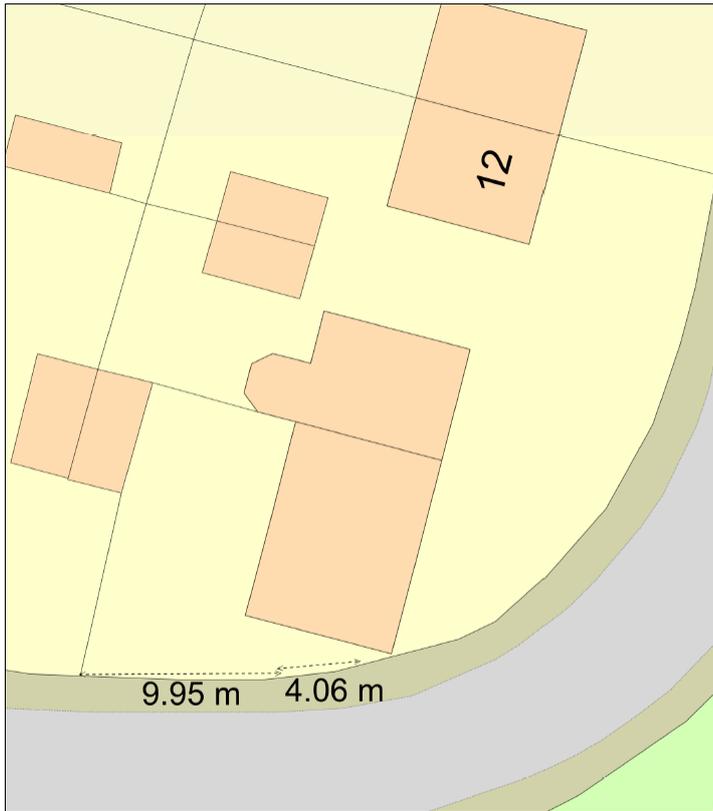
This retrospective planning application relates to a 1.9m high close boarded fence erected at the above-mentioned site which fronts the adopted highway and therefore requires the benefit of planning permission. The fence is located on the corner of Heol Y Frenhines alongside the side boundary of No. 16. The principal issue to consider is the impact on the character on the street scene and the appearance of the surrounding area.

The erection of this length of fence along the boundary of the site immediately adjacent to the highway has resulted a visually incongruous and prominent feature in this street scene. On this basis it is recommended that the application is refused, and that planning enforcement action be authorised for a planning enforcement notice to be issued in order to remedy the breach of planning control that is considered to have an unacceptable impact on the visual amenities of the locality and the application site. In addition, in the event of non-compliance with the enforcement notice, authorisation is also sought to take such legal action that may be required.

SITE AND CONTEXT

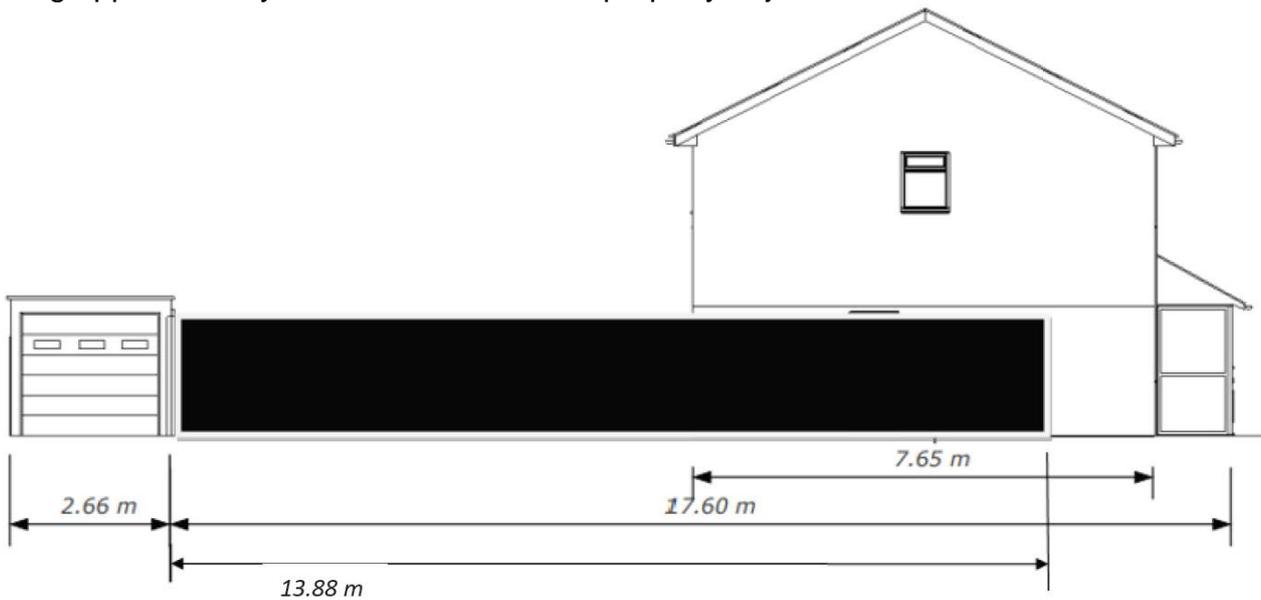
The application site is at No.16 Heol Y Frenhines, Southra Park, located on the corner of a residential street within the settlement boundary of Dinas Powys as identified by the Vale of Glamorgan Local Development Plan 2011-2026. The site relates to a two storey, semi-detached dwelling, which is situated within a street of other similar properties. Prior to the recent development which has been undertaken, the boundary of the property was defined by a hedgerow.

Location of the fence:



DESCRIPTION OF DEVELOPMENT

Retrospective planning permission is sought to retain a 1.9m high close boarded fence along approximately 14m of the side of the property adjacent to Heol Y Frenhines.



Photographs of the fence in question are provided below.



Images of fence taken from Heol Y Frenhines, August 2023:





PLANNING HISTORY

2015/00037/FUL, Address: 16, Heol Y Frenhines, Dinas Powys, Proposal: Two storey extension, to provide a family room. extend the kitchen and add a bedroom with en suite to the first floor, Decision: Approved, Decision Date: 10/03/2015.

CONSULTATIONS

The Council's Highway Development were consulted on the 17th of July 2023. The highway authority has no objection to the proposed fencing as it was considered that the proposal would not have a material impact along the adjacent highway.

Dinas Powys Community Council were consulted on the 17th of July 2023 and a comment was received on the 2nd of August 2023 stating that they have no objections to the application.

Dinas Powys Ward Members were consulted on 17 July 2023, but no comments have been received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were consulted on 17 July 2023 and a site notice was displayed on the 16th of August 2023. No comments have been received at the time of writing this report.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

Managing Development Policies:

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD9 – Promoting Biodiversity

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

Future Wales: The National Plan 2040:

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

Planning Policy Wales:

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

Para 3.9

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

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)

Para 2.6

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

Para 6.16

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

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Residential and Householder Development (2018)

The following sections contained within the Residential and Householder Development is of relevance:

7.3.1. It is then important to establish the character of the buildings (i.e. other buildings, houses and outbuildings) that are within the context of your property. The context of your property is the area within which your new development will sit and

within which it will be viewed. The 'street scene' is often an important element of the context to your property.

8.1.2. New development should be sympathetic to the existing in terms of scale, massing, form, positioning, detailing and materials. Regard should also be had to the relationship of the development to open space, including residential garden, and established visual breaks in the street scene. These principles shall apply to new houses, extensions and garages / outbuildings

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues to consider relate to the design and visual impact of the development on the street scene and its effect on the wider character of the site.

Visual Impact

Policy MD2 (Design of New Development) of the Local Development Plan requires that development proposals should be of a high standard that positively contribute to the context and character of the surrounding and natural built environment and protects existing features of townscape or landscape interest and respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density.

Policy MD5 (Development within Settlement Boundaries) states, amongst other things, that new development should be of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact on the character and appearance of the locality.

It is considered that the character of the street scene is generally open plan with the residential boundaries being defined, in the main by hedgerows, planting and original yellow and red brick boundary walls which enclose properties including the side elevations and rear gardens which are generally side on the highway .

Photograph of Heol Y Frenhines from Google Maps, November 2022:



Photograph of Heol Y Frenhines from Google Maps, July 2012:



Prior to the close boarded fence being constructed, the boundary of the 16, Heol Y Frenhines was defined by a hedgerow of a similar species to the neighbouring properties which can be seen below:

Photograph of 16, Heol Y Frenhines from Google Maps, July 2012:



Photograph of fence at 16, Heol Y Frenhines from Google Maps, November 2022:



The Council's Residential and Householder Development Supplementary Planning Guidance (SPG) requires that the area within which new development will sit and within which it will be viewed is considered when assessing proposals for new householder development.

Paragraph 8.1.2 of the SPG states that new development should be sympathetic to the existing in terms of scale, massing, form, positioning, detailing and materials and regard should also be had to the relationship of the development to open space, including residential garden, and established visual breaks in the street scene.

The application site is located on the corner of Heol Y Frenhines where the highway bends. Due to the property's prominent positioning, the close boarded fence is highly visible from the street scene and delineates the entirety of the street corner at this junction.

It is noted that there are examples of similar fencing being recently erected in the surrounding area, for which planning enforcement cases are currently open.

The applicant has stated the need for a means of enclosure for privacy, amenity and security for the garden of 16, Heol Y Frenhines following the removal of the hedgerow. It is noted that during the enforcement investigation, the owner of the site was advised to either reduce the height of the fence, or to set the fence back into the site in order to be in accordance with permitted development rights and to alleviate some of the visual impacts of the development, however no alterations to the fence were made. The owner was subsequently advised that an application would not be considered favourably to retain the fence as built.

Therefore, although enclosures are often necessary for reducing the opportunity of crime and to ensure the privacy of the occupiers, it is considered in this instance that this can be achieved by an alternative design / form of enclosure, which would not result in an unacceptable visual impact on the street scene.

The letter from the applicant and their planning agent is attached as **APPENDIX A**.

The significant length of fencing along the boundary of the site immediately adjacent to the highway has resulted in a visually insensitive and incongruous, prominent feature in this street scene. It is not considered that painting or staining the fence would mitigate its impacts. As such refusal and enforcement action are recommended

It is therefore considered that the fence in its current form in respect of its siting, scale and design results in a visually insensitive and incongruous, prominent feature negatively impacting on the appearance and character of the largely open plan street scene, contrary to Policies MD2 (criterion 1) (Design of New Development) and MD5 (criterion 3) (Development within Settlement Boundaries) of the Local Development Plan, and advice under Paragraph 8.1.2 of the Residential and Householder Development SPG.

The recommendation to refuse the application is also considered to follow paragraph 3.16 of Planning Policy Wales, which advises that where developments are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design, they should be rejected. Similarly, paragraph 6.16 of Technical Advice Note 12: Design advises that developments that do not follow the objectives of good design should not be accepted.

Given the above, it is considered that the siting, scale and design of the boundary fence would have a detrimental impact on the character of the site and the street scene as a whole and is therefore contrary to Policy MD2 of the Local Development Plan. It is therefore recommended that planning permission is refused, and enforcement action be taken to reduce the height of the fence to 1 metre above ground level in accordance with the permitted development rights for enclosures afforded by the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Other Issues

The fence is not considered to significantly impact on neighbour amenity.

In respect of highway safety concerns, it is noted that the Council's Highways Development Team has not raised any objections on this ground.

Paragraph 6.4.5 of Planning Policy Wales (Edition 11, 2021) states that "*Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.....*" Furthermore Policy 9 of Future Wales states that in all cases, 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. Whilst the application does not indicate measures for ecological enhancement it is reasonable to conclude that there is a realistic proposition that such enhancement can be provided on site and meet the policy requirements. Had the planning application been recommended for approval then such details could have been sought or an appropriate planning condition to require details of ecological enhancement to be approved and implemented.

ENFORCEMENT ACTION

In view of the issues identified in the paragraphs above, it is considered expedient to pursue action in the form of a Section 172 Enforcement Notice, in relation to the

operational development which has been undertaken at the site. Therefore, the service of an enforcement notice is recommended to remedy the breach of planning control at the site by reducing the height of the fencing to be in accordance with permitted development.

RESOURCE IMPLICATIONS (FINANCIAL AND EMPLOYMENT)

Any costs involved in drafting and issuing Notices, attending enquiries, and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

LEGAL IMPLICATIONS (TO INCLUDE HUMAN RIGHTS IMPLICATIONS)

If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended). The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

EQUAL OPPORTUNITIES IMPLICATIONS (TO INCLUDE WELSH LANGUAGE ISSUES)

None.

RECOMMENDATION

REFUSE AND AUTHORISE ENFORCEMENT ACTION

(1) Planning permission for the retention of the fence be refused for the following reason:

By virtue of its siting, scale and design the fence is considered to result in a visually harmful and incongruous form of development, which is damaging to the largely open plan street scene and character of the site. Therefore, the retention of the fencing is considered unacceptable and contrary to the requirements of Policies MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries) of the Vale of Glamorgan adopted Local Development Plan 2011-2026, the Vale of Glamorgan Residential and Householder Development Supplementary Planning Guidance (2018) and national policy contained with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design).

(2) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

(i) The removal of the fence and resulting materials from the land, or reduction of the fence to a height of not more than 1 metre above ground level where it is located adjacent to the highway.

(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 ISSUING ENFORCEMENT NOTICE

1. It appears to the Council that the above breach of planning control constituting operational development has occurred within the last four years.

2. By virtue of its siting, scale and design the fence is considered to result in a visually harmful and incongruous form of development, which is damaging to the largely open plan street scene and character of the site. Therefore, the retention of the fencing is considered unacceptable and contrary to the requirements of Policies MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries) of the Vale of Glamorgan adopted Local Development Plan 2011-2026, the Vale of Glamorgan Residential and Householder Development Supplementary Planning Guidance (2018) and national policy contained with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design).
3. It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

REFUSE (W.R.)

1. By virtue of its siting, scale and design the fence is considered to be visually harmful and incongruous form of development, which is damaging to the largely open plan street scene and character of the site. Therefore, the retention of the fencing is considered unacceptable and contrary to the requirements of Policies MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries) of the Vale of Glamorgan adopted Local Development Plan 2011-2026, the Vale of Glamorgan Residential and Householder Development Supplementary Planning Guidance (2018) and national policy contained with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design).

REASON FOR RECOMMENDATION

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

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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.

16, Heol Y Frenhines, Dinas Powys, Vale Of Glamorgan, CF64 4UH



Location Plan shows area bounded by: 315141.25, 170474.28 315282.67, 170615.7 (at a scale of 1:1250), OSGridRef: ST15217054. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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21st August 2023

Ms Madlen Evans,
Planner,
Regeneration and Planning,
Vale of Glamorgan Council
Civic Offices,
Holton Road,
Barry.
CF63 4RU

Dear Ms Evans,

16 Heol y Frenhines, Dinas Powys – 2023/00740/FUL

On behalf of Mr and Mrs Prosser, I write with regard to the above referenced property and planning application, further to your recent e-mail correspondence dated 12th August 2023 and 21st August 2023. In the latter e-mail you have indicated that you have recommended the application for refusal to the Planning Committee and are recommending enforcement action be taken. I would be grateful if you could please review the contents of this letter and review your assessment in the light of its contents.

Background Context

On 4th October 2022, the Operational Manager (Highways and Engineering) of Vale of Glamorgan Council wrote to Mr and Mrs Prosser (Reference HE/HM/NLT/S154/OG) to inform them that, following routine inspection of the tree growth outside the above referenced property, the hedgerow adjacent to the highway had become overgrown and was encroaching on the Public Highway, thus causing a nuisance and danger to the highway user. The referenced letter informed the applicants of the Council's powers under the Highways Act (1980) to serve Notice requiring any obstruction to be removed but advised that the applicants' coordination on this matter would obviate the necessity to take such action. The letter provided a timeline of 14 days to comply with the request. The applicants duly complied with this request within the timeframe given. However, once the overgrowth was cut back, it was apparent that the remaining hedgerow had died, and so this hedgerow was cut down in full.

After complying with the Council's request and with two young children resident at the property, the applicants were left in the untenable position of having no safe boundary treatment along the southern length of the property. The applicants duly erected close boarded panel fencing. Following the erection of this boundary treatment, the Vale of Glamorgan Council wrote to the applicants informing them that planning permission was required for the erected fencing and

APPENDIX A

advised them to either remove the fencing or seek retrospective planning permission for the development (reference P/DC/TS/ENF/2023/0164/PRO, dated 1st June 2023). Hence the submission of planning application 2023/00740/FUL.

Planning Policy and Legislative Context

The Planning and Compulsory Purchase Act 2004 (Section 38(6)) provides that planning decisions shall be taken in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for the Vale of Glamorgan comprises:

- The Vale of Glamorgan Local Development Plan (LDP) 2011-2026 (adopted June 2017).

The Plan sets out the vision, objectives, strategy and policies for managing development in the Vale of Glamorgan. It contains a number of local planning policies and makes provision for the use of land for the purposes of housing, employment, recreation and other uses. Of most relevance to the current proposals are: Policy MD2 (Design of New Development) and Policy MD5 (Development within Settlement Boundaries).

Policy MD2 (Design of New Development) sets out that development proposals should, inter alia:

- be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;
- respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density;
- promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour;
- provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users;
- have no unacceptable impact on highway safety;
- safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance;
- provide public open space, private amenity space and car parking in accordance with the Council's standards.

Planning Assessment

The application site is located within the settlement boundary of Dinas Powys, wherein development is acceptable in principle subject to compliance with relevant development plan policies. In assessing the proposals submitted under planning application 2023/00740/FUL, the following key planning considerations are relevant:

APPENDIX A

Impact of the development proposal upon the character and appearance of the application property and the wider street scene

The application site is located within Heol y Frenhines and comprises a semi-detached property within a housing estate of similar properties, constructed in the late 1970s/1980s. The application site is not located within a designated Conservation Area, nor is the property or any neighbouring properties statutorily listed. The boundary treatment within the estate surrounding these properties is varied, with a mixture of brick walling, brick walling with inset panel fencing, hedgerow, and close boarded panel fencing.

As set out above, previously the application property benefitted from 2 metre high hedgerow along its southern boundary which afforded the residents sufficient privacy, amenity and security as should reasonably be expected within a rear garden of a residential property. The applicants had no intention for this boundary treatment to be disturbed, however, the Council's request for the hedgerow to be cut back resulted in the total loss of the hedgerow and, by implication, the total loss of privacy and security to the rear garden of 16 Heol y Frenhines. The applicants duly erected close boarded panel fencing (a ubiquitous boundary treatment found the length and breadth of the country defining residential property boundaries – the housing estate of Heol y Frenhines is no exception – please refer to No. 8 Croffta and No. 1 Cae r Odyn for comparable examples). It is, therefore, considered that the erected fencing causes no adverse impact upon the residential character of the application property or the surrounding character of the area. It is pertinent to note that there has been no objection to the application from nearby neighbouring residents. Furthermore, the Dinas Powys Community Council has confirmed its support for the fence.

Impact upon the residential amenity of the application property and nearby neighbouring properties

The proposals would give rise to no adverse impact to the amenity of the application property. On the contrary, the fencing affords privacy and security for its residents. Further, given the scale of the fencing and its distance from all neighbouring properties, there is no impact on the amenity of any residential property within the vicinity of the site.

Reducing the opportunity for crime

The fencing provides a secure perimeter to their property, and reduces the opportunity for crime. This is a key aim of Policy MD2 of the development plan. Further, Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This is an important material consideration.

Impact on highway safety and on-site parking provision.

The fencing has no impact on on-site parking provision. With regard to highway safety, it is important to note that the Vale of Glamorgan Council, as highway authority, has not made any representation on the planning application. Furthermore, it was at the direct request of the

APENDIX A

Operational Manager (Highways and Engineering) of Vale of Glamorgan Council that the previous hedgerow was stripped back, which resulted in its complete loss. The current situation is preferable from a highway safety and highway user perspective.

Enhancement of biodiversity

Noting from your e-mail dated August 15th 2023 the requirement for applications to positively enhance biodiversity, it is questioned whether this requirement applies to the erection of a fence that does not affect existing habitat. Nonetheless, the applicants are willing to install a bird box within the rear garden of the application site and this could be secured by condition attached to any planning permission granted.

Planning Review

I note from your e-mail dated 21st August 2023, you have recommended the application for refusal to the Planning Committee and that you are recommending enforcement action for the fence to be reduced in height. I request this recommendation is reviewed and note that local planning authorities (LPA) should act in a proportionate way when tackling alleged breaches of planning control. Taking enforcement action is a discretionary power, and the Welsh Parliament advises planning authorities only take formal enforcement action where it is necessary and expedient, having regard to the development plan and any other material considerations.

As set out above, Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Further, the provisions of the European Convention on Human Rights, such as Article 1 of the First Protocol (which protects a person's right to enjoy their property peacefully), and Article 8 (which protects a person's right to respect for their private life, their family life and their home) are all relevant material considerations when considering enforcement action, as is the provision of Article 3 of the UN Convention on the Rights of the Child (i.e. in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration). In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control.

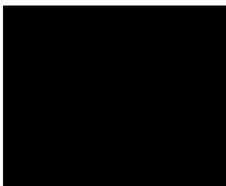
It is noted in your previous e-mail that you have concerns that the fencing gives rise to a visual impact on the street scene and you indicate that for the development to be acceptable the fence should be reduced in height. However, this would conflict with the purpose of the fence, which is to afford privacy and security to the residents of the application property. This is particularly so as the property is home to two young children, the safety of whom should be a primary consideration in any assessment of the proposals. Any decision to take enforcement action should not be taken lightly. The best interests of the children living at the property, i.e. their safety and security as they peacefully enjoy their home, should take priority.

APENDIX A

Notwithstanding the applicants' position that the proposal is not out of character with the street scene (having regard to boundary treatments of a) the same material and b) the same height in the vicinity), the applicants would be willing to propose an alternative colour treatment to the fence should this be a solution the Council is keen to pursue, i.e. a natural green colour or soft brown colour more reflective of colour tones found within the hedgerow the applicants were asked to cut back.

I would be grateful if you could please review the contents of this letter and review your assessment of the proposals, and then advise the applicants of your position once you have had a chance to do so. Alternatively, please do not hesitate to contact me on the telephone number below to discuss this matter further.

Yours sincerely,



Sally Davis
BA (Hons) MSc MRTPI

