

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **12 JUNE 2025**

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:

2025/0002/PV	A	WM Morrisons Barry, Penny Way, Barry. CF63 4BA	Minor checkout alterations
2025/0003/PO	AC	4, Knoll Road, Abergavenny. NP7 7AN	Single storey lean to rear extension & infill porch conversion with pitched roof
2025/0236/BR	AC	48, Lavernock Road, Penarth. CF64 3PA	Re roof, Roof alterations and 2 Single storey extensions
2025/0237/BN	A W	17, Heol Sant Bridget, St. Brides Major. CF32 0SL	2 storey extension and porch extension
2025/0238/BN	A	12, Hillhead, Llantwit Major. CF61 1SF	Complete internal refurbishment, new single storey porch, renewal single storey flat roof & new skylight
2025/0239/BR	AC	Trehedyn Cottage, Peterston Super Ely. CF5 6LG	Kitchen extension
2025/0240/BN	A	35, Barrians Way, Barry. CF62 8JG	Single storey rear extension

2025/0241/BN	A	14, Plas Glen Rosa, Penarth Marina, Penarth. CF64 1TS	Install french door into original window opening & erection of steel & glass balcony
2025/0242/BN	A	87, North Walk, Barry. CF62 8BX	Re roof
2025/0243/BN	A W	Touchwood, Cwm Drive, Dinas Powys. CF64 4HL	Demolition of existing garage and rebuild of new outbuilding to include habitable room with kitchenette and shower room external access store / shed (no sleeping accommodation)
2025/0244/BN	A	6, Moxon Street, Barry. CF63 2JH	Knock through (3 steels)
2025/0245/BN	A	20, Birch Grove, The Knap, Barry. CF62 6SX	Loft conversion (no dormer)
2025/0246/BN	A	10, Highbridge Close, Sully. CF64 5SD	Single storey rear extension
2025/0247/BN	A	18 - 20, Murch Road, Dinas Powys. CF64 4NJ	New roof covering including fascia, soffit and rainwater goods. New roof solar panels. EWI system to all external elevations & new doors & windows
2025/0248/BN	A	7, Brendon View Close, Rhooose. CF62 3ER	New roof
2025/0250/BN	A	6, Cambridge Street, Barry. CF62 6PJ	To take down existing wall / chimney breast to ground floor. Take off existing kitchen roof and renew
2025/0251/BR	AC	30 Fairfield Rise, Llantwit Major. CF61 2XG	Proposed hip to gable dormer loft extension, single storey extension, repositioning of entrance and other internal alterations
2025/0253/BR	AC	18, Salisbury Avenue, Penarth. CF64 3JA	Single storey extension to rear of property
2025/0254/BN	A	Ty Dyfan, St. Brides Way, Barry. CF63 1DU	Installation of a new data outlet in the plant room

2025/0256/BN	A	42, Village Farm, Bonvilston. CF5 6TY	Knock through dining / kitchen to form open plan space, enlarge French door opening to accept bi folds
2025/0260/BN	A	134, South Road, Sully. CF64 5SP	Re roof
2025/0265/BN	A W	38 Greenacres, Barry, CF63 2PJ	Single storey front extension & integral garage conversion
2025/0266/BN	A	14, Philadelphia Close, Barry, CF63 2AQ	Replace existing conservatory roof with warm roof system
2025/0268/BN	A	4, Bron Awelon, Barry. CF62 6PR	Knock through between kitchen and lounge
2025/0269/BN	A W	6, Clos Y Wiwer, Llantwit Major. CF61 2SG	Single storey rear extension
2025/0270/BN	A	Burrator, 19, Merthyr Dyfan Road, Barry. CF62 9TH	Through floor lift installation, including aperture work between floors
2025/0271/BN	A W	98B, Windsor Road, Penarth. CF64 1JL	Steel beam installed in external wall to support bifold doors. Single storey extension / replacement of existing outdoor toilet and outhouse to bathroom
2025/0273/BN	A	35, Redlands Road, Penarth. CF64 2WD	Single storey rear / side kitchen extension less than 10m2
2025/0275/BN	A	13, Yr Efail, Treoes. CF35 5EG	Knock through of 1 load bearing wall and installation of 1 steel beam
2025/0276/BN	A	48, Castle Street, Barry. CF62 6JR	Loft Conversion (no dormer)
2025/0277/BN	A	230, Barry Road, Barry. CF62 9BH	Re roof
2025/0278/BN	A	23, Forrest Road, Penarth. CF64 4DP	Remove plastic / conservatory roof & install slated roof to first floor bedroom

2025/0279/BR	AC	8, Dowland Road, Penarth. CF64 3QX	Demolish existing rear single storey conservatory structure and replace with proposed part single storey, part two storey rear extension with relocation of bathroom window and a proposed covered area to side elevation all with associated external works including ground level alterations and smooth render finish to all elevations (excluding front porch)
2025/0281/BN	A	17, St. Donats Close, Dinas Powys, CF64 4NL	Single storey kitchen extension
2025/0284/BN	A	54, Clos Ogney, Llantwit Major. CF61 2SN	Single storey extension
2025/0287/BN	A W	20, St. Lythans Road, Barry. CF62 7NG	Single storey extension to replace garage

(b) Building Regulation Applications - Reject

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

2025/0264/BN	R	REFUSED - 73 Trinity Street, Barry, CF62 7EX	REFUSED - Proposed ground floor rear/side extension to Flat 1, internal alterations to FF level to flat 2. Works within existing flats.
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(c) The Building (Approved Inspectors etc.) Regulations 2000

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

2025/0056/AI	A	25, Wesley Avenue, Rhose. CF62 3DX	Proposed conservatory re roof with associated works
2025/0057/AI	A	12, Hickman Road, Penarth. CF64 2AJ	Proposed internal alterations to remove walls and support, new bathroom and replacement roof to an existing extension

2025/0058/AI	A	ACE2 Building, Aberthaw Power Station, The Leys, Abethaw. CF62 4ZW	Office fit out, refurbishment and associated works
2025/0059/AI	A	Frondeg, Love Lane, Llanblethian, Cowbridge. CF71 7JQ	Proposed ground floor and first floor extension with associated works
2025/0060/AI	A	67, Boverton Road, Llantwit Major, CF61 1YA	Single storey rear extension
2025/0061/AI	A	92, Main Street, Barry, CF63 2HN	Material change of use of existing shop to create 2 No. flats (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2025/0062/AI	A	3, Waun Gron, Llantwit Major. CF61 2SF	Loft conversion and associated works
2025/0063/AI	A	Mayfield, St. Quentins Close, Llanblethian, Cowridge. CF71 7EZ	Single storey garage extension to existing single storey outbuilding including new roof and insulated linings to existing garage / outbuilding at existing two storey dwelling

(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.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **12 JUNE 2025**

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

2020/00361/1/NMA	A	Ty Mynydd Farm, Welsh St Donats, Cowbridge	Non-Material Amendment to install a window in the first floor hallway of planning permission ref. 2020/00361/FUL, for Two, two storey extensions, both sides/ends of the property and single storey rear extension.
2022/01237/FUL	R	Pantwilkin Stables, Aberthin	Change of Use Planning Application for 25 additional bespoke 5* Luxury Holiday Lodges at Pant Wilkin Stables

2023/00087/2/NMA	A	Crossway Methodist Church, Court Road, Barry	Non Material Amendment - An amendment to the rewording of Condition 2 for planning ref 2023/00087/FUL - Proposed development of 15 no. affordable flats and associated works
2023/00254/OUT	R	St. Elmo, 8, Burnham Avenue, Sully	Two detached dwellings. Three storey and three bedrooms with parking on land adjacent to no 8, Burnham Avenue
2023/00292/1/NMA	A	The Meadows, Peterston Super Ely	Non Material Amendment - Change of fencing material between agricultural and residential curtilage to Estate Rail Fencing. Planning permission reference 23/00292/FUL - Change of use to residential to provide a modest extension to the domestic garden
2024/00225/1/CD	A	30 Clive Place, Penarth	Discharge of Condition 5.(Details of first floor timber window) for planning ref 2024/00225/FUL - Replace existing windows as indicated with 'Heritage Style' UPVC sash windows. Replace exiting timber window to front elevation with replica timber window at 30, Clive Place, Penarth

2024/00306/3/CD	A	Land to the south of Hood Road, Barry	Discharge of Condition 18 - Scheme to divert the public sewer. Planning Permission Ref 2024/00306/FUL. Proposed redevelopment of vacant brownfield site at Barry Waterfront for a new educational campus for Cardiff and Vale College including landscaping, related infrastructure and engineering works at Land to the South of Hood Road, Barry
2024/00851/1/NMA	A	9 Seys Close, Cowbridge	Non Material Amendment - An amendment to change the proposed artificial slate to concrete tile. It is the same tile used in the existing building. For planning ref; 2024/00851/FUL - Side extension with flat roof dormer to the rear, alterations to fenestration.
2024/00869/1/NMA	A	The Paddock, Pen-y-turnpike Road, Dinas Powys	Non Material Amendment - An amendment to change double garage into bedroom and replace garage door with window. for planning ref 2024/00869/FUL- Conversion of a chalet bungalow into a two storey 4 bedroom dwelling

2024/00878/1/NMA	A	40 Coleridge Avenue, Penarth	Non Material Amendment - An amendment to first floor exterior finish to change. Originally, a render finish was proposed. However, we would like to change the first floor exterior material finish to Cedral, Click, white smooth cladding. For planning ref: 2024/00878/FUL - Rear extension to incorporate a Kitchen ground floor and family bathroom on first floor.
2024/01027/FUL	A	Fferm Tri Brawd, land adjoining Mount Pleasant Farm, Cowbridge	Proposed agricultural machinery store and stock housing
2024/01093/FUL	A	1, Matthew Road, Fontygary, Rhose	Single storey rear extension. Revised ground floor layout and rear elevation of Planning Approval Ref. 2023/00160/FUL
2024/01117/FUL	A	The Viilage Shop/Post Office, St Brides Road, Wick	Change of use of part of ground floor from residential (flat) to sale of food and drink for consumption mainly on premises. Alterations to stud partition/non structural internal walls and doors.
2024/01208/FUL	A	Penmark Place, Kenson Hill, Penmark	Single storey rear sunroom extension
2024/01220/FUL	A	3 Minster Close, Barry	Proposed single storey rear extension and internal alterations
2024/01226/FUL	A	Heol-y-mor, Southerndown Road, St Brides Major	Erect a tiled roof conservatory to the rear elevation

2025/00039/LAW	A	Cae Zaccaria, Pentre Meyrick	Use of land as a caravan site
2025/00051/FUL	A	The Milk Hut, Penuchadre Farm, Wick Road, St Brides Major, Bridgend	Extension to existing building and to expand the range of products sold on site using self-serve vending machines
2025/00060/FUL	A	Mint Cottage, Church Street, Llysworney, Cowbridge	Installation of an air source heat pump
2025/00082/FUL	A	25 Clos Mancheldowne, Barry	Retention of replacement outbuilding
2025/00089/FUL	A	20 St Lythan's Road, Barry	Proposed single storey extension to part side and rear of existing domestic dwellinghouse, to replace detached garage.
2025/00120/FUL	A	St Elmo, 8 Burnham Avenue, Sully	Installation of 4 no. Velux type windows to the South facing elevation roof, and installation of 1 no. Velux type window to the North facing elevation roof.
2025/00124/FUL	A	44, Westward Rise, Barry	Proposed rear and side wrap-around extension with alterations to existing rear extension. Replace existing UPVC side porch structure with proposed single storey side porch extension. Associated external works including extension of rear raised patio area, proposed pergola structure to side elevation.
2025/00147/FUL	A	6, Heol Y Coed, Llantwit Major	Two storey and single storey side extension, plus new entrance porch

2025/00155/FUL	A	102 Plassey Street, Penarth	Single storey ground floor extension to rear, rear window to annexe, and Loft conversion with rear dormer
2025/00158/FUL	A	7, Dyffryn Place, Barry	Two storey extension to side and single storey extension to rear of existing domestic dwellinghouse
2025/00168/FUL	A	19 St Anne's Avenue, Penarth	Front porch extension, single storey rear extension, dormer to front, garage conversion and part first floor side extension with dormers and balcony
2025/00179/FUL	A	The Coach House, Peterston Super Ely	Single storey extension providing additional living space
2025/00181/FUL	A	Glannant, Corntown Road, Corntown	Double storey rear extension, single storey side extension and alterations to fenestration. Demolition of existing garage and construction of newly positioned garage.
2025/00184/FUL	A	65 Porth-y-castell, Barry	Proposed single storey side extension, removal of conservatory to rear, changes to rear elevation at ground Level, and internal alterations
2025/00190/FUL	A	Murch Farm Manse, Wesley Court, Dinas Powys	Proposed new stone wall to enclose garden area to the west of Murch Farm Manse.
2025/00199/FUL	A	The Old Coach House, Swanbridge Road, Sully	Proposed detached garage, workshop, home office and car port

2025/00217/FUL	A	Tesco Extra, Petrol Station, Culverhouse Cross	Exhumation of existing below-ground fuel storage tanks and installation of 2 No. new 120,000-litre double skin below-ground storage tanks. Increase height of existing steel-framed forecourt canopy structure to a minimum 4.7m soffit height.
2025/00221/FUL	A	8, Archer Road, Penarth	Single storey rear/side extension with associated works.
2025/00226/RG3	A	18 & 20 Murch Road, Dinas Powys	Refurbishment of ground floor and first floor flats to include external wall insulation, new windows and solar panels
2025/00228/RG3	A	22 & 24 Murch Road, Dinas Powys	Refurbishment of ground floor and first floor flats to include external wall insulation, new windows and solar panels
2025/00231/FUL	A	124, Queen Street, Barry	Demolition of internal chimney breast at ground floor level up to first floor level
2025/00237/FUL	A	Penllyn Estate Farm, Forage Farm Shop And Kitchen Llwynhelig, Cowbridge	Proposed change of use to mixed takeaway and restaurant use (Use Classes A3). Alterations to door openings on side and front elevations
2025/00240/FUL	A	8, Le Pouliguen Close, Llantwit Major	Ground floor rear extension.

2025/00245/ADV	A	Cwm Colhuw nature reserve, Colhugh street, Llantwit Major	3mm solid aluminium sign panel mounted in oak frame on 18mm thick ply backer on 1500 x 100 x 100mm solid oak posts. The panel contains a map and information relevant to Cwm Colhuw nature reserve.
2025/00246/FUL	A	32 Forrest Road, Penarth	Replacement of existing external porch with single storey extension. Single storey rear and side extension. Alteration to existing driveway and pedestrian access.
2025/00253/FUL	A	12 Pembroke Terrace, Penarth	Works to existing kitchen to comprise new roof covering to match existing complete with new rooflights. Existing doors and window to rear of kitchen are to be revised
2025/00260/FUL	A	68 Stanwell Road, Penarth	Partial demolition of existing single storey extension and the erection of a new single storey flat roof extension to include new replacement windows and external doors to the rear.
2025/00264/FUL	A	2 Heol Sant Bridget, St Brides Major	Demolish outhouse to side - erect a new porch to side and a single story kitchen extension to rear
2025/00272/FUL	A	Waverley, Grants Field, The Downs, St Nicholas	Proposed two storey rear extension, new porch, loft conversion with new roof adjusting the height to match existing adding new velux.

2025/00286/FUL	A	Fairhill, 53 Romilly Park Road, Barry	Single storey rear / side extension and associated landscaping of the rear garden. Relocating first floor bathroom and enlarging the third bedroom.
2025/00288/FUL	A	49 Cae'r Odyn, Dinas Powys	Extension of garage to form granny annexe. Demolition of pvc-u profile side extension and rebuild in brick to match house with flat roof and balcony over.
2025/00292/RG3	A	Rhws Junior Primary School, Fontygary Road, Rhoose, Barry	Installation of new solid oak free-standing lean-to pergola for the purposes of an outdoor teaching area Installation of solar P.V. panel system to existing nursery roof
2025/00298/LAW	A	4 Wenvoe Close, Wenvoe	Proposed addition of a rear single storey extension to the side of the existing building.
2025/00302/FUL	A	25B Archer Road, Penarth	Widening of existing driveway entrance from 257cm to 304cm and refurbishment of existing black ornamental iron railings, side-gate and main double gates.
2025/00303/FUL	A	10 Heol Dewi Sant, Barry	Proposed first floor side extension over existing ground floor
2025/00309/FUL	A	64 Cae Newydd, St Nicholas	Erection of single storey rear extension
2025/00318/FUL	A	26 Clos Y Fulfran, Barry	Front balcony to replace original Juliet balcony detailed on planning Ref. 2017/01296/FUL.

2025/00319/FUL	A	128, Fontygary Road, Rhooose	Disabled suite by extending GF bedroom into covered porch area
2025/00329/FUL	A	21 Ewenny Close, Barry	Small front extension including a new entrance lobby. Single storey rear extension.
2025/00341/FUL	A	Clevecloud, 2 Weston Avenue, Sully	Single Storey Front Extension with pitched roof.
2025/00345/FUL	A	Wernlas, St Andrews Road, Dinas Powys	Single storey extension to replace existing garage and out buildings in poor condition.
2025/00349/FUL	A	22, Heol Cae Pwll, Colwinston	Conversion of existing garage into living room with proposed window to replace garage door.
2025/00368/LAW	A	55 Plassey Street, Penarth	Attic conversion with dormer window
2025/00371/FUL	A	30 Fairfield Road, Penarth	Proposed demolition of existing concrete panelled garage and construction of replacement building.
2025/00377/FUL	A	26 Victoria Square, Penarth	To replace an existing porch at the side of the dwelling

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 12 JUNE 2025

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2024/01004/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-04045-J3F1F0
Appellant: R Prasad Shetty & Neha Prasad Shetty
Location: **48, Westbourne Road, Penarth, CF64 3HF**
Proposal: Front driveway with drop-down curb. Rebuilding the front damaged compound wall with existing stone with same design, one extra pillar near the entrance levelling the front driveway and removing the bushes and roots. Installing new resin driveway.
Start Date: 23 April 2025

LPA Reference No: 2024/00760/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-04166-B1X5W5
Appellant: Mr & Mrs Nation
Location: **45, Conybeare Road, Sully, CF64 5TZ**
Proposal: Take down garage to side of property, construct new two storey extension to the side only. Ground floor extension to the rear of the property.
Start Date: 28 April 2025

LPA Reference No: 2023/01270/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-04133-Y8N3X7
Appellant: Elizabeth Sian Jones
Location: **Land at Ffynnon Y Capel, St. Donats, CF61 1ZB**
Proposal: Controlled dog walking/exercise field. Pre booked appointments, with one in, one out control.
Start Date: 8 May 2025

LPA Reference No: 2023/01286/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-04078-Q4P4Z3
Appellant: Mr. Daryl Hamilton-Wallis
Location: **Crossways House, Cross Ways, Cowbridge, CF71 7LJ**
Proposal: Revised application for the demolition of existing bungalow and garage and construction of a replacement dwelling.
Start Date: 22 May 2025

(b) Enforcement Appeals Received

LPA Reference No: ENF/2023/0370/CCC
Appeal Method: Written Representations
Appeal Reference No: CAS-04105-L8N6J1
Appellant: Ms Lisa Gates
Location: **Orchard Dene, Welsh St Donats, CF71 7SS**
Proposal: Without planning permission, the erection of an unauthorised new building.
Start Date: 25 April 2025

LPA Reference No: ENF/2024/0041
Appeal Method: Written Representations
Appeal Reference No: CAS-04219-P6T2N5
Appellant: Ms Lisa Gates
Location: **Land to the rear of Watts Coaches Garage, Llantrithyd, CF71 7UB**
Proposal: Without planning permission, the construction of an unauthorised timber building and its occupation for residential purposes.
Start Date: 22 May 2025

(c) Planning Appeal Decisions

LPA Reference No: 2024/00359/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-03838-C5H1W1
Appellant: Mr Jolyon Joseph
Location: **Land at Village Farm, St Mary Hill, Llangan, Bridgend, CF35 5DT**
Proposal: Change of use of agricultural land to a secure dog walking field with associated fencing, access and parking area.
Decision: Appeal Dismissed
Date: 1 May 2025
Inspector: L Hughson-Smith
Council Determination: Delegated

Summary

The main issues were considered to be whether the proposed development was justified in its countryside location and the effect of the proposal on the character and appearance of the surrounding area and on nearby properties. The appeal site related to two field parcels located in the open countryside and within the Upper and Lower Thaw Valley Special Landscape Area (SLA).

Countryside Location

The appellant contended that the development constituted a new leisure facility which was an appropriate new rural enterprise and farm diversification scheme associated with their agricultural holding, known as Village Farm. It was suggested by the appellant, that the proposal was an exception to policies SP1, MD1 and MD2 of the LDP, which were aimed at promoting the enjoyment of the countryside, the use of sustainable modes of transport and a safe and accessible environment for all users.

It was identified by the Inspector that policies MD13 and MD17 permit leisure facilities and small-scale employment uses that promote rural enterprise and form part of a farm diversification scheme. The purpose of these policies was to strengthen the viability of the farm, and this was acknowledged by the Inspector to align with PPW's approach towards small business activities being sustainably located on farms and providing additional income streams, following the advice in TAN 6: Planning for Sustainable Rural Communities.

Whilst the Inspector accepted that the proposed dog walking field could be regarded as a leisure facility, limited information had been provided in relation to the type and scale of agricultural activity on the wider holding, whether they generated income, and the employment levels involved. The Inspector was not therefore persuaded that Village Farm was a functioning farm. Whilst the proposal might be a leisure use, it would not constitute a farm diversification scheme and therefore fell outside of the scope of policies MD13 and MD17. The fact that the proposal would be unstaffed, bookings would be made via an online platform, and customers would access the site independently using a gate code, meant that it would generate limited employment opportunities.

The Inspector considered that the proposed use did not specifically require a remote countryside location, and no evidence had been presented to substantiate the appellant's claim that there was limited land available within or on the edge of settlement that would be appropriate. Whilst the Inspector considered it likely that most customers would travel to the site by car, this did not justify the remote location. Aside from Treoes, the nearest residential settlements ranged from between 8 to 15 minutes away by car, meaning a 15-to-30-minute round trip to access the proposal for a short session of 40 minutes in the field. These trips could occur multiple times a day, throughout the week. It was therefore concluded that the proposal would represent an unjustified form of development in a rural location, which would result in unsustainable travel patterns and reliance on a private motor vehicle, contrary to the aims of policies SP1, MD1 and MD2 and the objectives of PPW.

Character and Appearance

The appeal site was considered to be highly visible when approaching St. Mary Hill and to contribute positively to the attractive, open and rural character of the area. The Inspector was satisfied that the proposed access track and parking area would blend into the landscape. However, the height of the new gate and perimeter fencing being proposed to secure the site was considered to be significantly taller than typical agricultural field enclosures, and the fencing would be extensive in length. These features would be visually intrusive and unacceptably diminish the open and rural character of the area. Despite the appellant's intention to establish a substantial landscape buffer, this would take several years to mature, and the majority of the site would still be visible. It was therefore concluded that the proposal would be harmful to the character and appearance of the surrounding area, contrary to policies SP1, SP10 and MD2, PPW and TAN 12: Design.

Living Conditions

The appeal site was located near several properties in St. Mary Hill in a remote countryside location, where the Inspector observed very little activity and low levels of background noise. As the proposal was limited to a maximum of six dogs per session, with a 10-minute changeover period between bookings to prevent overlap, the number of vehicles arriving and leaving at any one time would therefore be unlikely to give rise to noise and disturbance at a level that would be harmful to nearby residential properties.

Whilst the appellant had suggested several management measures to mitigate noise from dogs barking which could be secured by planning conditions, the Inspector considered that dog barking would be unpredictable, difficult to control and would likely be audible beyond the confines of the site. Surrounding properties were located some distance away from the appeal site. However, the area's low noise profile would be likely to make the introduction of barking the dominant noise source and result in a level of noise and disturbance beyond that which nearby residents could reasonably expect. This would significantly reduce their enjoyment of their properties and associated outside space, and it was therefore concluded that the proposal would be harmful to the living conditions of occupants of nearby properties, with particular regard to noise and disturbance in conflict with policies MD2 and MD7.

Other Matters & Conclusion

The Inspector noted the example of Land to the West of St Lythans Road, Wenvoe (ref: 2022/00445/FUL), cited by the appellant however, the site was adjacent to a reasonably sized settlement, and was not therefore in a comparable location. It was acknowledged that the proposed landscaping and tree planting would provide additional green infrastructure and biodiversity net gain which would be a benefit. It was also noted that the proposal would provide a facility which catered to a range of dog owner's needs. However, these factors were not considered to outweigh the harm identified in relation to the three main issues and it was therefore concluded that the appeal should be dismissed.

LPA Reference No:	2024/00224/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03686-P9V1N7 (Appeal A)

Appellant: Transworld Real Estate Ltd
Location: **Bolston House, Bonvilston, CF5 6TP**
Proposal: Demolition of the existing dwelling and re-development of the site to accommodate residential development and associated works.

Decision: Appeal Dismissed
Date: 9 May 2025
Inspector: D Beggan
Council Determination: Appeal against Non-Determination

LPA Reference No: 2024/00235/CAC
Appeal Method: Written Representations
Appeal Reference No: CAS-03688-G9P4Y4 (**Appeal B**)
Appellant: Transworld Real Estate Ltd
Location: **Bolston House, Bonvilston, CF5 6TP**
Proposal: Demolition of the existing dwelling and re-development of the site to accommodate residential development and associated works.

Decision: Appeal Dismissed
Date: 9 May 2025
Inspector: D Beggan
Council Determination: Appeal against Non-Determination

Summary

The proposed development sought the demolition of the existing dwelling and the redevelopment of the site to accommodate 14 dwellings along with associated works, including alterations to the access and the partial demolition of the front wall. The main issues were considered to be whether the proposal would preserve or enhance the character or appearance of the CA, whether the proposal made adequate provision for affordable housing and any additional need for infrastructure, services and facilities and the effect of the proposed development on biodiversity.

Appeal A

Character and appearance

The appeal site was located within the Conservation Area (CA) and the Bonvilston Conservation Area Appraisal and Management Plan (CAAMP). The CAAMP defined the characteristics of the CA as including large plots, trees and high stone walls; a number of dispersed listed buildings along the A48; a large number of unlisted 'positive' buildings dating mainly from the 19th century; and the use of local lias limestone. It was noted that the wall fronting the appeal site was identified as a 'significant stone wall'.

The Inspector identified that the central issue was the demolition of some 10 m of the stone wall to the front of the site in addition to some 10 m as it returned into the site to facilitate the widening of the vehicular access. It was determined that the extent of wall removal would result in a noticeably larger gap and undermine its enclosing nature which would be detrimental to the wall's contribution to the CA and therefore, its alteration would result in harm.

Overall, it was concluded that the proposed development would be detrimental to the character and appearance of the CA and, as a result, did not accord with the Act and also conflicted with policies SP10, MD2 and MD8 of the LDP, the Bonvilston CAAMP, PPW, TAN 12: Design and TAN 24: Planning and the Historic Environment.

Provision for affordable housing and infrastructure, services and facilities

The Council had alleged that the appellant's viability appraisal failed to demonstrate the proposed development could make provision for affordable housing or the infrastructure necessary to mitigate the impacts of the development in respect of public open space, public art and sustainable transport and the Inspector considered each of these in turn.

Sustainable Transport

The Council had argued that a contribution was required to improve access to community facilities and services and to mitigate the impact of the size of the development. It was noted that the village had a number of services and those further to the east and west were accessible by regular bus services. The site was served by footways on both sides of the A48 and a cycle route ran adjacent to the site. This was considered to support the appellant's contention that there were no identified shortfalls in existing pedestrian or public transport infrastructure that would arise from the proposed development. The Inspector therefore concluded that a financial contribution relating to sustainable transport improvements was neither reasonable nor necessary.

POS

To justify POS, the Council had relied on an 'Open Space Background Paper' that was published in support of the LDP examination process which identified that there was no outdoor sports provision in Bonvilston and an under provision of children's open space provision. The Inspector identified that the relevant policy MD3 referred to an identified need and did not consider that the Council's arguments for POS, were robust enough to justify such a requirement.

In reaching this view, account was taken of evidence provided by the appellant that such need was unjustified relating to more recent housing developments within the village. The Inspector also noted that within the appeal site, landscaped areas would be provided, which would offer the opportunity for a degree of on-site outdoor amenity space. It was therefore concluded that a financial contribution related to the provision of POS either on the site or via a commuted sum was neither reasonable, necessary or justified.

Public Art

The appellant had argued that public art was not essential infrastructure required to mitigate the impacts of the scheme. The Inspector considered that apart from citing the policy and related guidance, the Council had not provided substantive evidence to justify why such a contribution was necessary. It was also noted that policy MD 2 of the LDP referred to the new areas of public realm being achieved via landscaping and public art and the proposed development would provide for a landscape scheme which would meet with the aims of policy MD 2, with regard to new areas of public realm. It was therefore concluded that the Council had not justified their stance in regard to the need for a planning

obligation related to public art and if this were justified, such a need could be provided via an appropriately worded planning condition.

Affordable Housing

The Council had contended that 6 affordable houses needed to be provided on the site, and no evidence had been provided to the contrary. The appellant had undertaken two development viability assessments. The first appraisal was based on the provision of a scheme including on-site affordable housing along with any required s.106 contributions which produced a negative profit margin of nearly £600,000. The second appraisal excluded all contributions and resulted in a positive profit outcome of just under £800,000 which equated to 8.63% on Gross Development Value (GDV). The appellant had argued this demonstrated that the removal of the Council requirements in their entirety was required to improve viability.

The appellant had also offered a without prejudice financial contribution of £100,000 to be used to meet affordable housing need which would equate to 1.9 affordable units, and this fell substantially below the Council's requirements. The appellant acknowledged this payment would reduce the profitability of the scheme even further, but had argued it was a risk they were willing to take to allow the development to proceed. They had argued that even without the provision of affordable housing and the other contributions, the profitability on the site was well below what would be expected in order for any developer to take a risk to develop the site. Notwithstanding this element of risk, they were however prepared to go even further and offer some sort of financial contribution, which could be utilised for affordable need.

The Inspector noted that the originally submitted viability assessments made no mention of the £100,000 contribution and considered that to introduce such an offer during the appeal stage, casted doubt on the previous assessments. Whilst it was appreciated that the appellant was willing to risk developing the site below what they stated was the accepted norm for profit margins, the Inspector questioned why a contribution of £100,000 was deemed viable when none was considered possible in previous assessments. It was considered that this casted significant doubt in terms of the appellant's overall viability arguments and the robustness of the submitted assessments. The offer regarding affordable provision fell significantly short of what would be expected. The Council had also queried aspects of the viability submissions with particular regard to the property valuations, which would then have a knock-on effect on profitability and casted further doubt on the robustness of the appellant's submitted reports.

The Inspector did not therefore consider that the appellant had justified their case for not meeting the Council's requirements in terms of affordable housing, which would be contrary to policy MG4 and MD4 of the LDP, and advice in the SPG and PPW.

Biodiversity

In relation to the registered bat roost located within the existing dwelling, it was identified that NRW was satisfied that the proposal, supported by an Ecological Assessment and together with detailed mitigation, would be acceptable and could be conditioned.

Whilst the appellant had become aware of an increased potential for Great Crested Newts (GCN) to be affected by the development, the submitted ecology assessment stated the likelihood of the species on the site was expected to be low and proposed mitigation works would be provided via a planning condition and supported by NRW. The Inspector therefore concluded that the effects of the scheme on EPS could be adequately mitigated as per the findings of NRW and therefore compliant with policies MD2 and MD9 of the LDP. The derogation tests referred to by the Council would only need to be considered in the event that planning permission were to be granted.

Appeal B

In relation to the CAC for demolition, reference was made to paragraph 6.13 of TAN 24 which provides guidance relating to the demolition of unlisted buildings in CAs including, the need to have acceptable and detailed plans for the reuse of sites. The Inspector concluded that the demolition of the dwelling was clearly part of a project which includes redevelopment and without the completion of the project overall, the demolition of the building would be undesirable.

Conclusion

It was therefore concluded that the proposed development would result in harm to the character and appearance of the CA by reason of the loss of a section of the stone boundary wall. The lack of adequate justification for not providing the required affordable housing provision also weighed against the scheme and none of the stated benefits would outweigh such harm. It was therefore determined that both appeals should be dismissed.

LPA Reference No:	2024/00130/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03570-H6P0P6
Appellant:	Mr Paul Skinner
Location:	Land at Middle Hill, Old Middle Hill, Llancarfan, CF62 3AD
Proposal:	An extension to an existing stable building for the purpose of providing an agricultural store and a livestock shelter for sheep kept on the adjacent pasture land. A machinery storage building in which to store existing equipment and machinery, used on the adjacent agricultural land.
Decision:	Split decision – machinery storage building is dismissed. Extension to stable building is allowed.
Date:	14 May 2025
Inspector:	Helen Smith
Council Determination:	Delegated

Summary

The appeal related to a machinery storage building used on the adjacent agricultural land and an extension to an existing stable building for the purpose of providing an agricultural store and a livestock shelter for sheep. The main

issue was considered to be whether the proposed development would accord with planning policies relating to development in the countryside, having particular regard to its effect on the character and appearance of the surrounding area, including the Nant Llancarfan Special Landscape Area.

The Council had contended that, owing to the low intensity of the agricultural activities taking place on the site, and as the stable building could accommodate the proposed uses and storage requirements of the site, the proposed development was unjustified in this location. Whilst at the time of considering the planning application, the stable building was not in use as stables, the Council had confirmed that this building was now being used for its intended purpose and benefited from planning permission. The Inspector therefore considered that it could not accommodate additional storage or livestock accommodation associated with the site.

The Council considered that the holding was more akin to a leisure and hobby farming plot as opposed to a viable and substantive working agricultural holding, but did not dispute the agricultural use of the land. The Inspector noted that the appellant was a sole trading farmer and that the farm business was registered with Rural Payments Wales. However, given the small size of the holding and the nature of the agricultural activities taking place on the site, it was agreed that the agricultural enterprise was small in scale. Whilst there was no evidence to suggest that it was a financially viable agricultural enterprise, it was considered by the Inspector that such small scale agricultural developments were generally considered acceptable in principle in the countryside. The main issues to consider were the proposed development's impact on the character and appearance of the countryside and whether any need/justification for the proposed development, outweighed any impacts.

Proposed machinery storage building

It was noted that the building would be long and wide and together with its height, would result in a building of significant scale and bulk, in contrast to the low-profile existing building on site. As it would be clad in metal profile sheeting and having regard to its scale and bulk and shallow mono pitched roof, it would result in a building with a stark and utilitarian appearance at odds with its rural surroundings and would erode the character of the surrounding countryside. It was considered that the large-scale buildings nearby related to large scale agricultural enterprises and were therefore not comparable to the appeal proposal. Furthermore, the appeal site was not generally viewed in the context of these buildings, particularly when viewed from the lane.

Whilst the Inspector recognised that the site benefited from some screening from the trees and hedge on the site's boundary with the lane, owing to its height and scale and its close proximity to the boundary with the lane, a large part of the proposed building would be visible above the hedge. It was not considered that a landscaping scheme secured by a condition would mitigate its scale and bulk and consequently, the proposed machinery storage building would significantly harm the character and appearance of the surrounding countryside, including this part of the SLA.

The Inspector considered that given the nature and scale of the agricultural activities taking place on site, it was unclear how all of the machinery listed by

the appellant was essential for the operation of the existing use. It was noted that the JCB and trailer were stored outside and the containers and covered area used for storage were significantly smaller in scale than the proposed building. It was not however considered that the height of the building or need for such a large building was justified and therefore, it did not outweigh the unacceptable visual impact.

The Inspector recognised that the proposed machinery storage building would facilitate the removal of the containers and canopy currently used for storage however, these did not benefit from planning permission and in any event, this would not justify the granting of an unacceptable development. It was not considered that the appeal proposal was the only way of improving the security of the site. It was therefore concluded that the proposed machinery storage building would significantly harm the character and appearance of the surrounding area and the Nant Llancarfan Special Landscape Area, contrary to policies MD1, MD2 and SP10 of the LDP and the objectives of policy SP1.

Extension of the existing stable building

The Inspector considered that this would be a small scale extension and would provide a small livestock area and an area for the storage of agricultural fodder and sundries. The Council did not consider that the extension to the stable building would have an unacceptable visual impact. Owing to its small scale, low height and sympathetic appearance and materials, this element of the proposal would not harm the character and appearance of the surrounding countryside or the SLA.

The Inspector was satisfied that the intended purpose and size of the proposed extension was justified having regard to the scale of the building relative to the scale of the appellant's agricultural operations and the holding. The objection from the Llancarfan Community Council relating to the extent of livestock at the site and their grazing requirements was noted however, no tangible evidence had been submitted to support this objection. It was considered that full details of the proposed solar panels could be secured by a condition.

It was therefore concluded that the proposed extension to the existing stable block would not harm the character and appearance of the area or the Nant Llancarfan Special Landscape Area and complied with policies MD1, MD2 and SP10 and the objectives of policy SP1.

Conclusion

It was concluded that the appeal should be allowed in part in relation to the extension of the existing stable, subject to planning conditions and dismissed in part in relation to the machinery storage building.

Costs Decision

The appellant also made an application for an award of costs against the Council. The Inspector considered however that although the proposed extension to the existing stable building was found to be acceptable, the assessment of the impact on the character and appearance of the countryside often involved a degree of subjectivity. The Council's officer report and appeal statement had clear regard to the existing operations on the site and the context of the appeal site, including the nearby buildings. Having regard to their

decision relating to the proposed machinery storage building, the context of the site, the development plan and other material considerations, the Inspector was satisfied that the Council had substantiated its case. It was not therefore the case that the development should clearly have been permitted. It was therefore concluded that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated, and the application for an award of costs was therefore refused.

LPA Reference No:	2023/00491/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03842-M8Q1T3
Appellant:	Mr Sean Mayor
Location:	Port Road West, Rhoose, CF62 3BT
Proposal:	Dog Adventure Land proposes to repurpose this site for a new dog daycare centre as part of their plans for growth in South Wales. We are proposing for the site to be used for grooming and outdoor/indoor daycare. The site will be fenced off to secure the perimeter, create a large carpark for staff and visitor on the existing hard standing, fencing the fields into sections for dogs to be safely and securely exercised in and providing educational course to the public. We would require the land to have a change of use from B1, B2 & B8 to Sui Generis.
Decision:	Appeal Dismissed
Date:	22 May 2025
Inspector:	G Hall
Council Determination:	Committee

Summary

The main issues were considered to be the effect of the proposed development on, the living conditions of neighbouring occupiers, the provision of employment land having regard to the status of the site as an allocated strategic employment site, highway safety, and whether it would comply with objectives relating to sustainable travel.

Living conditions

The Inspector identified that the appeal site and surrounding area were generally quiet, with the background noise reflective of the area's rural character. The proposed daily accommodation of up to 70 dogs, would therefore result in a notable increase in noise, compared to the site's existing agricultural/smallholding use. There was a strong likelihood of regular barking amongst such a large number of animals, and these noise impacts would be considerable and readily apparent to the neighbouring occupiers in the dwelling to the north-east.

It was proposed that five fenced dog activity areas would be created using open wire fencing however, the Inspector considered that such fencing would offer minimal, if any, noise attenuation and no additional planting or physical noise abatement measures were proposed. The appellant had provided a Noise

Management Policy however, this approach relied heavily on staff vigilance and management practices rather than physical measures to prevent or mitigate noise disturbance. The Inspector was not therefore persuaded that it would provide a robust or reliable means of controlling noise emissions from the proposed use. In the absence of a Noise Impact Assessment (NIA), there was no substantive evidence to demonstrate that the noise generated by the proposed scheme would be acceptable, or that suitable mitigation measures could be implemented to safeguard the living conditions of nearby occupiers. It was therefore concluded that the proposed use would conflict with the aims of policies MD2(8) and MD7(4) of the LDP.

Employment allocation

The Inspector identified that the Council has clear and longstanding strategic ambitions for the area around Cardiff Airport and had adopted a plan-led approach with LDP Policies and associated guidance establishing a detailed policy framework for development in the area. LDP Policy MG9 allocated employment land between three strategic and eight local employment sites. MG9(2) was one of the strategic employment sites and allocated 77.4 hectares at 'Land adjacent to Cardiff Airport and Port Road, Rhoose' for B1, B2 and B8 uses which was within the St Athan – Cardiff Airport Enterprise Zone and the appeal site was within this allocation.

LDP Policy MG10 sets out in more detail the proposals for the St Athan – Cardiff Airport Enterprise Zone, stating that its development will be guided by a masterplan. In relation to MG9(2), it says the masterplan will include new aerospace, education, research and development, manufacturing, office and other ancillary development with the supporting text stating that the allocation is intended to cater specifically for the needs of the aerospace industry and high-tech manufacturing. It is not allocated to meet local market demand for general industrial or office uses, and that general B1, B2 and B8 uses would not be acceptable.

The Inspector determined that the appeal proposal would be contrary to the LDP allocation as the site occupied a large and central position within the wider strategic employment site, and the proposed use would not align with the identified aerospace or high-tech manufacturing sectors. The appeal scheme would represent a fragmented, piecemeal form of development that would compromise the ability to bring forward the site in a comprehensive and co-ordinated manner. Whilst it was acknowledged that the proposed use would generate some employment, the number and nature of jobs created would be modest and not of the scale or type envisaged by the LDP for this location.

It was therefore concluded that the appeal proposal would be detrimental to the strategic delivery of the LDP, would undermine the comprehensive and coordinated delivery of the strategic employment site, and would be contrary to policies MG9(2) and MG10, and the relevant SPG.

Highway safety

The Inspector identified that through its LDP allocations, the Council intend to take a strategic, rather than incremental, approach to improving connectivity and accessibility across the Cardiff Airport and Gateway area. It was noted that the section of Port Road between the roundabout with the A4226 to the north-

east of the appeal site and the roundabout serving the main entrance to Cardiff Airport to the south-west carried frequent and fast-moving traffic. There were no formal footways and pedestrians were required to walk on grass verges immediately adjacent to the carriageway.

Given the nature of the proposed use and the appeal site's location away from built-up residential areas, it was accepted that many customers would be likely to arrive by car. However, the absence of any formal pedestrian infrastructure effectively precluded access by foot. The appeal proposal would introduce a development that could not be accessed safely on foot, and it would be contrary to the SPG's emphasis on a strategic and co-ordinated improvement of opportunities for walking and reducing reliance on the private car.

It was considered that requiring the provision of a new footway along Port Road would be a significant undertaking however, the site formed part of a larger strategic employment allocation in an Enterprise Zone. In this context, development was expected to come forward in a co-ordinated manner that contributed meaningfully to the delivery of key infrastructure, including improvements to sustainable and active travel, in line with the masterplanned approach set out in the LDP and SPG.

In the Inspector's view, the appeal proposal would fail to make appropriate provision for safe pedestrian access and would not contribute to the wider strategic objectives for the area set out in the LDP and SPG, which included maximising sustainable accessibility through a masterplanned approach. It was therefore concluded that the proposal would be contrary to LDP policies MD2(5) and (6), MG16(02) and the SPG.

Conclusion

It was therefore concluded that the appeal should be dismissed.

(d) Enforcement Appeal Decisions

LPA Reference No:	ENF/2022/0245/PRO
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03590-J3F3R9
Appellant:	Mr Paul Skinner
Location:	Land to the east of Middle Hill, Llancarfan, Barry, CF62 3AD
Proposal:	(i) Without planning permission, the carrying out of operational development comprising the construction of an unauthorised timber outbuilding, and the permanent siting of two storage containers and canopy structure. (ii) Without planning permission, the material change of use of the land from agriculture to agriculture and the siting of a caravan used for leisure purposes.
Decision:	Enforcement Notice withdrawn - Appeal not proceeded with.

Date: 14 May 2025
Inspector: Helen Smith
Council Determination: Committee

Comment

Following the issuing of an enforcement notice which included the construction of an unauthorised timber building, it was determined that the building now accords with the stable building that had been granted planning consent in 2018 (2018/00097/FUL) and therefore, that the breach relating to the building had been resolved. It was therefore considered expedient to withdraw the enforcement notice however, the landowner has been advised that the outstanding breaches relating to the unauthorised siting of the caravan and storage containers would be re-visited, when the planning appeal (reported above) had been determined.

(e) April 2025 – March 2026 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	5	-	5	-
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		(100%)	(0%)	5	-
Committee Determination		1	-	-	-
Other Planning appeals (inc. appeal against a condition)		-	-	-	-
Enforcement Appeals	W	-	-	-	1
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		-	-	-	1
All Appeals	W	5	-	-	1
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		(100%)	(0%)	5	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 : **12 JUNE 2025**

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

R - Refused

E Split Decision

2025/00031/TPO	A	Land to the rear of Chestnut Avenue, St Athan Park, St Athan	Works to Trees covered by TPO No.15 of 2007 and No.2 of 1992: T29 Hazel Tree - Reduce crown by 2m, T30 Sycamore Tree - Reduce crown by 3m, removing die back. G5 mixed native species - Prune trees
2025/00258/TPO	A	10 Maillard's Haven, Penarth	Work to Tree covered by Tree Preservation Order 1988 No. 01 : Sycamore - Reduce/ pollard height back to previous points but tidy up points, and reduce sides in to new pollard points approximately 1m inside previous points to shape

2025/00278/TPO	A	Boverton Park House, Boverton Park Drive, Boverton, Llantwit Major	Conifer, rear garden - Fell to ground level. Removing all arisings, leaving garden tidy. Row of Conifers, around front of house - Remove any and all major split out or hanging branches, including where trees meet driveway.
2025/00295/TPO	A	Causeway House, Causeway Hill, Llanblethian, Cowbridge	Work to Tree(s) covered by Tree Preservation Order No.7 1973: T2; Beech, rear left - Reduce over-extended branches on Southern side of tree by up to 2m maintaining a flowing branch line and shape. T3; Ash, left boundary - Top out, pollard to leave a 5m stump.
2025/00344/TCA	A	Boverton Park House, Boverton Park Drive, Boverton	Works to Tree(s) in a Conservation Area: Conifer, rear garden - Fell to ground level. Removing all arisings, leaving garden tidy. Row of Conifers, around front of house - Remove any and all major split out or hanging branches, including where trees meet driveway.
2025/00363/TCA	A	Broomhill, Church Road, Llanblethian, Cowbridge	Work to trees in a Conservation Area: Cypress hedge in front garden overhanging neighbouring property, remove and replant with Cherry Laurel.
2025/00367/TCA	A	37, Park Road, Barry	Fell 1 x Birch (B1) and 1 x Willow (W1), which as far as we are aware do not have TPO.

2025/00001/TREE Received on 28 October 2024

APPLICANT:

AGENT:

St. Elmo, 8 Burnham Avenue, Sully, Penarth, CF64 5SU

Request for a Tree Preservation Order - copper beech English walnut

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

An Outline planning application for the erection of 2no. three storey properties was submitted to the Local Planning Authority which given the siting of the proposed dwellings, would result in the loss of two mature trees which form the subject of this Tree Preservation Order application. The trees relate to an English Walnut, a medium scaled tree with limited view to the public given its set back from the street scene, although is partly visible from the wider public domain and considerably prominent from neighbouring and wider properties given its scale, species and condition. The tree is estimated to be 40-100 years old and is in good form which contributes to the visual amenity of the area.

The Copper Beech tree is also aged between 40-100 years; the assessment was conducted as precautionary due to the proposed threat to the tree. The tree was large in scale and contributed significantly to the visual amenity of the immediate and wider area given its considerable scale and good form. TEMPO assessments conclude that TPO's are defensible in both instances.

Notice of the intention to TPO both trees were subsequently sent out to the owner (as per the planning application) of the property on the 19th March 2025 and the trees were put under interim protection to allow sufficient time for any consultation responses. Unbeknownst to the Council, the property in the meantime had been sold to a new owner, and all mail had been redirected, as such the new owner was not aware of the TPO order. Subsequently, works have been carried out to pollard the Copper Beech tree along the rear boundary of the site, with the further intention to remove it.

Notice of the TPO was reissued to the new owner on the 27th March, to which an objection has been received to TPO both trees, given the works which have been carried out unlawfully to the Copper Beech tree, the objection states the tree is at risk of failure and has no positive contribution to the local amenity. An objection is also raised to the protection of the English Walnut given its limited visibility, albeit there is no intention to remove this tree according to the objection letter.

Whilst objections to the Order are noted, particularly with reference to the Copper Beech given its current condition and the works which have been carried out to the tree to date, the English Walnut given its good form, species and contribution to the site's character is still considered to warrant protection.

It is the officer's recommendation that the English Walnut is placed under a Tree Preservation order and given the works which have been carried out to the Copper Beech, and the resultant impact on its health and condition, this is to be removed from the Order. Therefore, it is recommended that the Tree Preservation is confirmed for the walnut tree but with modification to remove reference to the Copper Beech.

SITE AND CONTEXT

This application relates to the property known as St Elmo, 8 Burnham Avenue within the settlement of Sully. The property is a large detached dormer bungalow located behind the rest of the properties on Burnham Avenue, accessed by a driveway between no. 6 and 10 Burnham Avenue.



DESCRIPTION

A request is made from the Vale of Glamorgan Council to place an English Walnut (T2) tree under a Tree Preservation Order protection. The request is made following a perceived threat to the tree associated with a current live outline planning application for the addition of two three storey dwellings on the site. The Copper Beech (T1) tree which was initially included within the Tree Preservation Order request has since been pollarded as shown in the photograph below, and as such its visual significance and overall condition has significantly diminished. As such, the Copper Beech is now not included within this Tree Preservation Order. A site plan in addition to two recent photographs of the trees are attached.



Photographs of Copper Beech (T1)



Photographs of English Walnut (T2) during summer (above) and during winter months (below)



PLANNING HISTORY

There is no relevant planning history for this site.

CONSULTATIONS

None.

REPRESENTATIONS

One objection has been received from the current owner of No.8 Burnham Avenue, stating that the Copper Beech is at risk of failure and has no positive contribution to the local amenity. An objection is also raised to the protection of the English Walnut given its limited visibility, and the owner would like to carry out works to the tree without having to apply for permission, albeit there is no intention to remove this tree at this stage.

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 MD7 - Environmental Protection

POLICY MD9 - Promoting Biodiversity

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

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

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

Chapter 5 – The Regions

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

Policy 9 – Resilient Ecological Networks and Green Infrastructure

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12, February 2024) (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

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

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

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Biodiversity and Development (2018)
- Trees, Woodlands, Hedgerows and Development (2025)

Other relevant evidence or policy guidance:

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

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

The application relates to a request from the Local Planning Authority for a Tree Preservation Order to be made in respect of an English Walnut tree which is sited within the garden of St. Elmo, 8, Burnham Avenue, Sully. This report will address the reasoning behind requesting the TPO, and any objections to the request itself.

No.8 is sited behind the primary building line along Burnham Avenue, and is accessed via a narrow access lane between No.6 and No.10 as photographed below. The property and associated garden are therefore set back from the adopted highway, and although set circa 40m west of Burnham Avenue, when in full bloom the identified tree is prominent from the street scene.

The officer has undertaken a TEMPO assessment of the English Walnut Tree identifying that the tree is in good condition, aged between approximately 40-100 years. Whilst its siting would mean that views from the public domain may be limited, as demonstrated in the photograph below, the tree would be visually prominent between properties from the highway, particularly when in full bloom during the summer months. In terms of form, the canopy of the tree is also in very good condition, and given the species of the tree, a tree preservation order is considered defensible and suitable to ensure its health and condition are preserved.

SURVEY DATA SHEET & DECISION GUIDE

Surveyor:	H Davies	Date:	19-May-25
Tree details			
TPO ref:		Tree/Group No.	English Walnut
Location:	St. Elmo, 8, Burnham Avenue, Sully	Owner:	
Part 1: Amenity Assessment			
a)	Condition and suitability for a TPO	Good	
b)	Retention span (in years) and suitability for a TPO	40-100	
c)	Relative public visibility & suitability for TPO	Medium trees, or large trees with limited view only	
d)	Other Factors	Trees of particularly good form, especially if rare or unusual	
Part 2:	Expediency Assessment	Perceived threat to tree	
Part 3:	Decision	TPO defensible	



The photograph above shows the current situation on site, taken from Burnham Avenue looking west in between No. 10 and No.6. The English Walnut tree (rhs) is evidently visible from the public domain and as such contributes positively and adds verdancy to the visual character of the streetscene, and aids in breaking up the built form of the area.

Whilst it is noted that the current owner has objected to the protection of the tree, and it is acknowledged that due to its location in a domestic garden, some works are likely to be required to the tree going forward to ensure its growth and condition are appropriately managed, such as dead wooding the tree. However, an application can be made to carry out such works to a tree protected by a tree preservation order at no cost to the applicant and the TPO would enable the Council to control the nature of these works.

The concerns raised are not considered to outweigh the amenity merits of the Walnut. As such, it is considered the Tree Preservation Order should be confirmed with modification to remove the reference to the Copper Beech.

REASON FOR RECOMMENDATION

Having regard to the Council's duties under the Equality Act 2010 the proposed imposition of a TPO 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.

RECOMMENDATION

Confirm Tree Preservation Order No.1 of 2025 relating to St. Elmo, 8, Burnham Avenue, Sully with modification to remove reference to the Copper Beech.

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.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **12 June 2025**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

8. 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.

2016/00849/FUL Received on 15 August 2023

APPLICANT: Mr. Simpson Equorium Limited,, c/o Agent

AGENT: Jessica Burgar Equorium Property Company Ltd,, Capital Link, Windsor Road, Cardiff, CF24 5NG,

Gardenhurst Resource Centre, Holmesdale Place, Penarth

Redevelopment and change of use of former care facility to provide 6 apartments, plus 3 new terrace houses on the existing car park of the property, including associated car parking, landscaping and improvement works to the existing boundary wall and arboriculture

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 Anthony Ernest for the reason that the scheme relates to a comprehensive proposal involving a substantial property and conversions into numerous dwellings, as well as the impact upon the conservation area.

EXECUTIVE SUMMARY

The proposal is a full planning application for the conversion of the vacant former day care centre and the construction of a block of three terraced townhouses within the former parking area of Gardenhurst. The site is located on a prominent corner plot with Park Road and Holmesdale Place, with vehicular access provided via Holmesdale Place.

The former day care centre of Gardenhurst is to be converted to six residential units, comprising of one, one bedroom flat, three, three-bedroom flats and two, two-bedroom flats, with three, five bedroomed dwellings. The terrace block measures 17.8m in width, 14.2m in depth at ground floor, reducing to 11.8m at first floor, with an eaves height of 5.7m and ridge height of 8.5m. Thirteen parking spaces are proposed within the site, with the townhouses being served by two each, with one per flat and one visitor bay.

To date, following the most recent consultation undertaken in August 2023, three representations have been received. The representations received are generally in support of the proposal, and state that the proposal would enhance the original building and surrounding area, however concerns are raised in respect of an overdevelopment of the site, impact to parking on the surrounding area, and requirement for the construction of the townhouses to be linked with the conversion of Gardenhurst.

The key material considerations includes the principle of the redevelopment of the site from D1 to C3 and the construction of three dwellings within the grounds, the design and visual impact of the proposal on the character and visual amenity of the host building, street scene and wider Penarth Conservation Area, impact upon neighbouring amenity, parking and highways, amenity space provision, drainage and ecology, S106 contributions and associated development viability, green infrastructure and biodiversity enhancement.

The application is recommended for approval, subject to conditions and the applicant entering into a Section 106 agreement to secure the commencement of the development within 3 years from the date of this decision, and the subsequent completion within a further 3 years from the date of commencement.

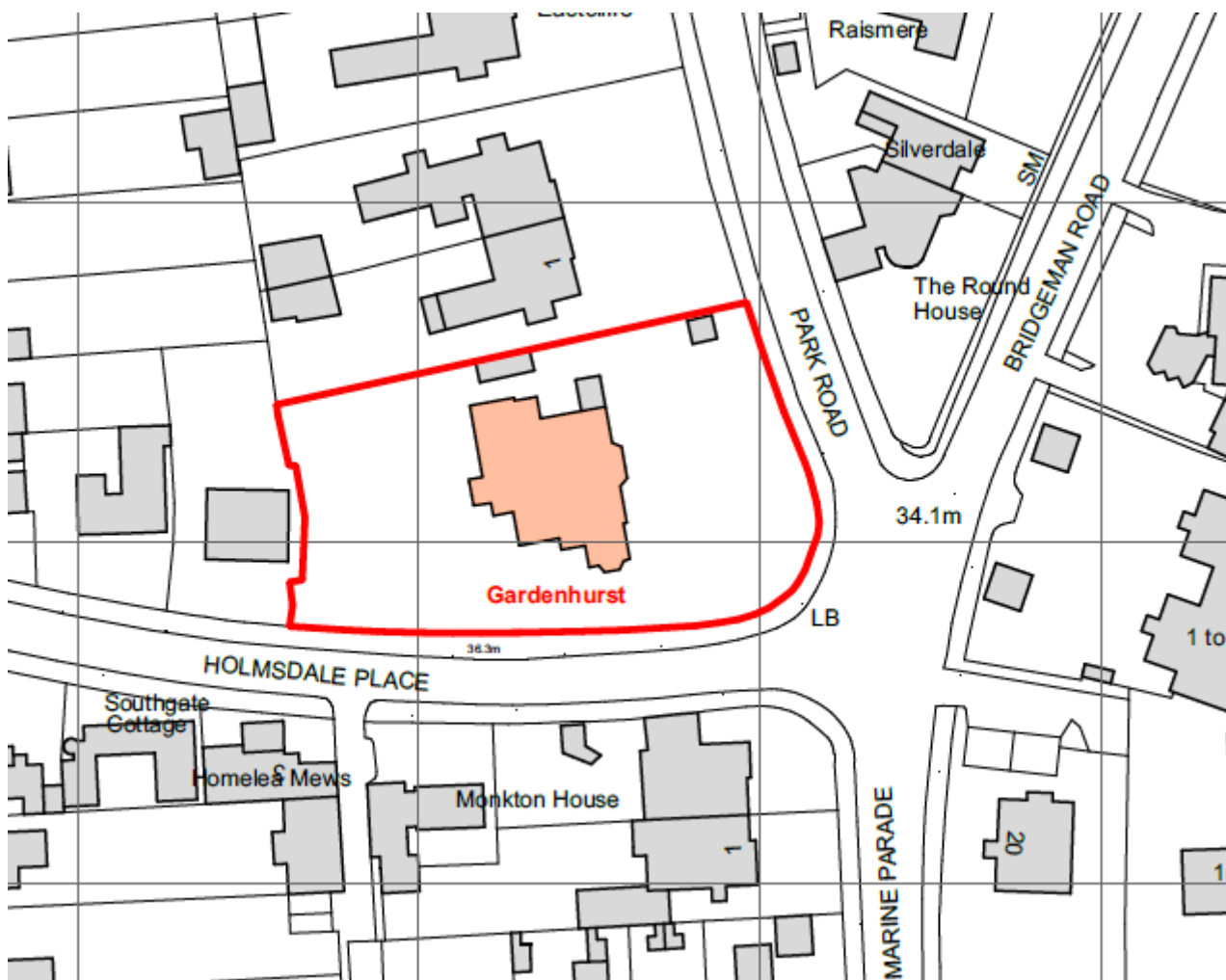
SITE AND CONTEXT

The application site comprises of a substantial, detached building of Victorian construction, sited in grounds of approximately 0.3 hectares (0.74 acres). The building was constructed as a private residence in the late 19th century, however its most recent use was as an elderly person's day care centre (use class D1), which was operated by the Vale of Glamorgan Council, until its closure and subsequent sale. The building has been vacant for approximately 12 years.

The site is located prominently on the junction with Holmesdale Place and Park Road, with access to the site from the rear via Holmesdale Place. The site is bordered by stone boundary walls and temporary hoardings and is largely obscured by overgrown vegetation. The building is served by an area of hardstanding, previously forming the car parking area for the day care centre to the west, with garden space to the east of the site.

Park Road, Bridgeman Road and Marine Parade is characterised by large, semi-detached and detached dwellings of Victorian era, however, there have been several more recent in-fill developments to the rear of the site on Holmesdale Place.

In policy terms, the site is located within the Penarth Conservation Area and Settlement Boundary as identified within the Adopted LDP 2011-2026. The site also forms part of the Esplanade and Gardens Character Zone as identified within the Penarth Conservation Area Appraisal Management Plan (CAAMP). The site is also identified as a 'Positive Building' within the CAAMP.



DESCRIPTION OF DEVELOPMENT

This is a full planning application, as amended, for the conversion of the existing, semi-derelict former day care centre into six flats, and the construction of a detached terrace of three, two storey dwellings within the former car parking area to the rear of the site.

The main property would be converted and comprise of one, one bedroom flat, two, two-bedroom flats and three, three-bedroom flats, with the townhouses comprising five bedrooms each. The townhouses will each be served by their own private area of amenity space to the rear, and the flats are served by a mix of semi-private areas serving the flats and a wider area of communal amenity space to the front of the property.

The townhouse terrace measures 17.8m in width, 14.2m in depth at ground floor, reducing to 11.8m at first floor, with an eaves height of 5.7m and ridge height of 8.5m. External finishes to the townhouses are indicated to comprise of red facing brickwork, dark grey slate roof tiles, buff brick quoins, buff stone feature window surrounds, buff stone parapet to gables, dark grey sash type windows, aluminium bi-fold doors and roof lights and dark grey PPC aluminium parapet cap.

A two storey extension is proposed to the north facing side elevation of the main property , which would measure 5.1m in width, 9.8m in depth with an eaves height of 7m and ridge height of 9.2m. External finishes are indicated to match the existing building, comprising of pennant and buff stone with red brick feature banding, buff stone lintels, stitching and quoins to match the existing, and new roof tiles and ridge tiles to match the existing building.

Vehicular access is proposed via the existing gated access point on Holmesdale Place, and the development is served by thirteen parking spaces, comprising of two spaces per townhouse, one space per flat and a visitor bay. A separate pedestrian access is proposed utilising the existing pedestrian access point. The scheme includes the provision for a bin store which will be sited adjacent to the boundary wall and utilise an existing access as well as provision for cycle parking.

The proposal is to remove the low quality overgrown boundary vegetation and replace it with a new native Beech hedgerow, inter-planted with Ulmus New Horizon avenue trees to strengthen the site's arboriculture character, provide screening and landscape structure. The existing stone boundary wall will be repaired and new metal railings installed.




Proposed Elevation - E03
Scale 1:100




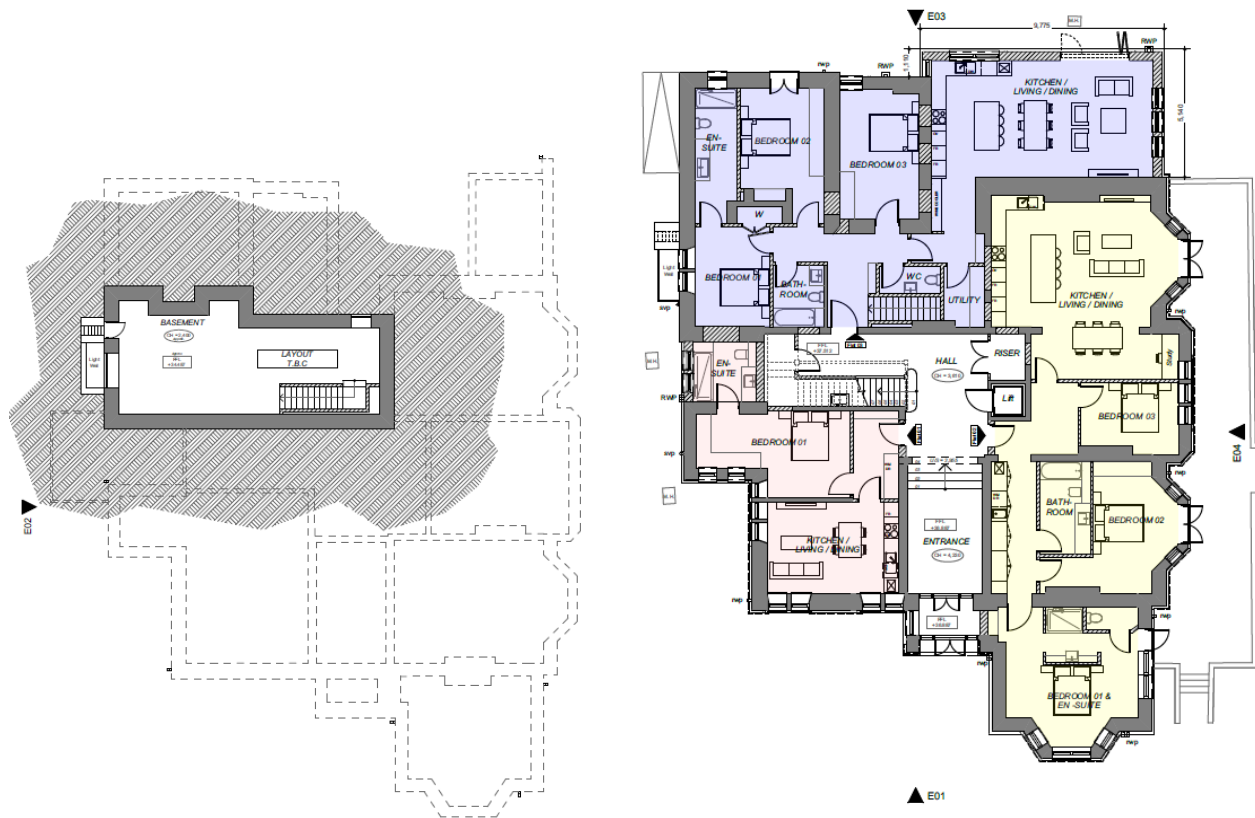
Proposed Elevation - E04

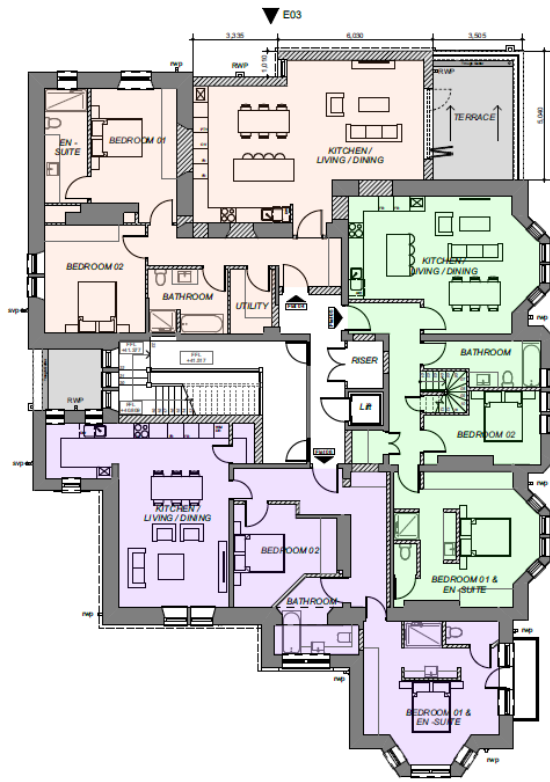


 Presentation Elevation - E01
 Scale 1:100

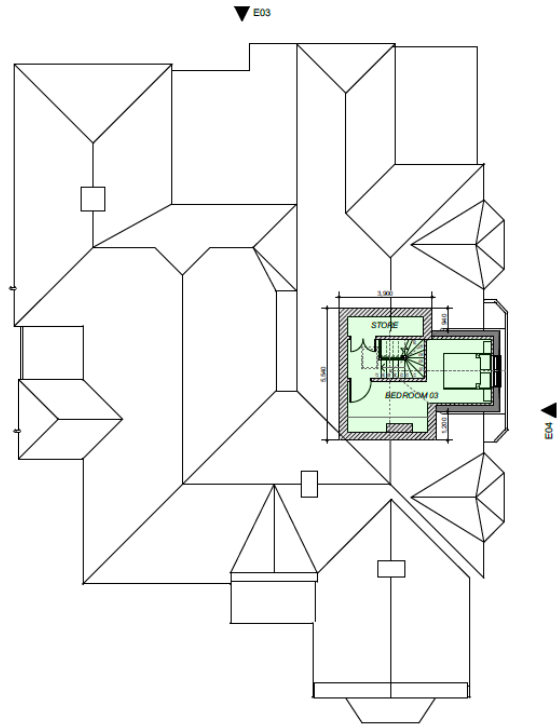


 Presentation Elevation - E02

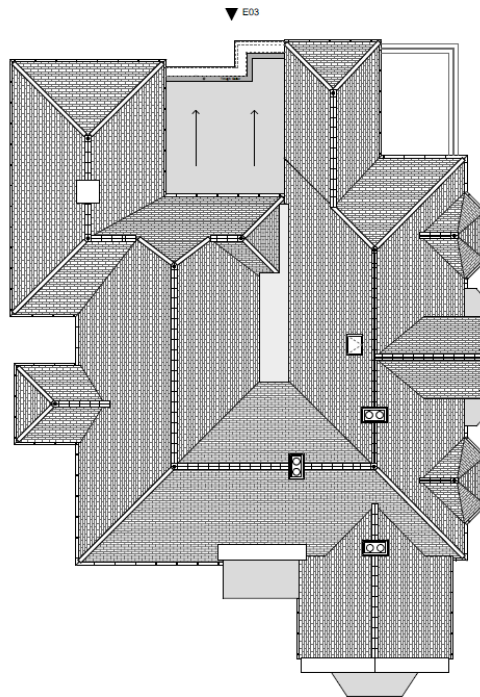




▲ E01



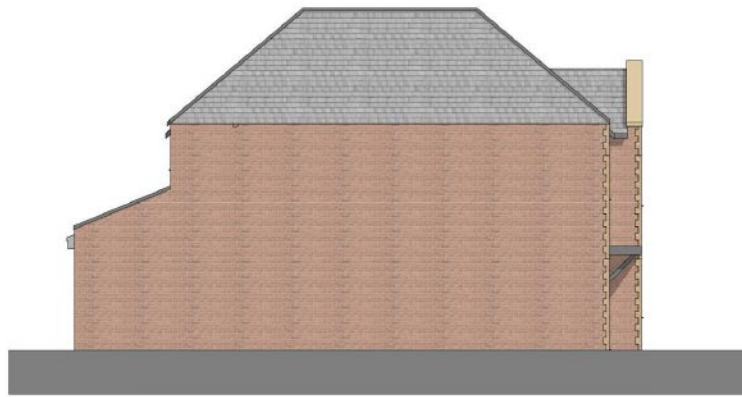
▲ E01



▲ E01



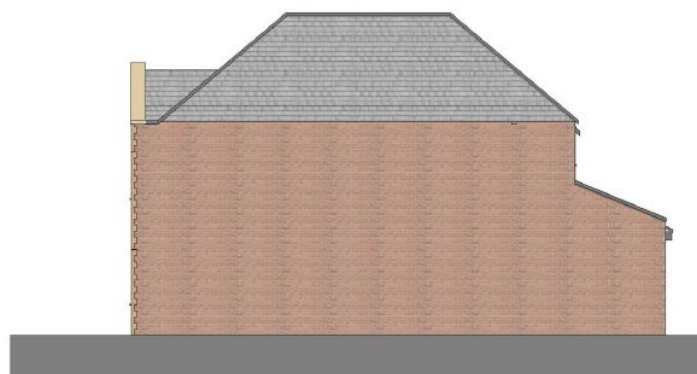
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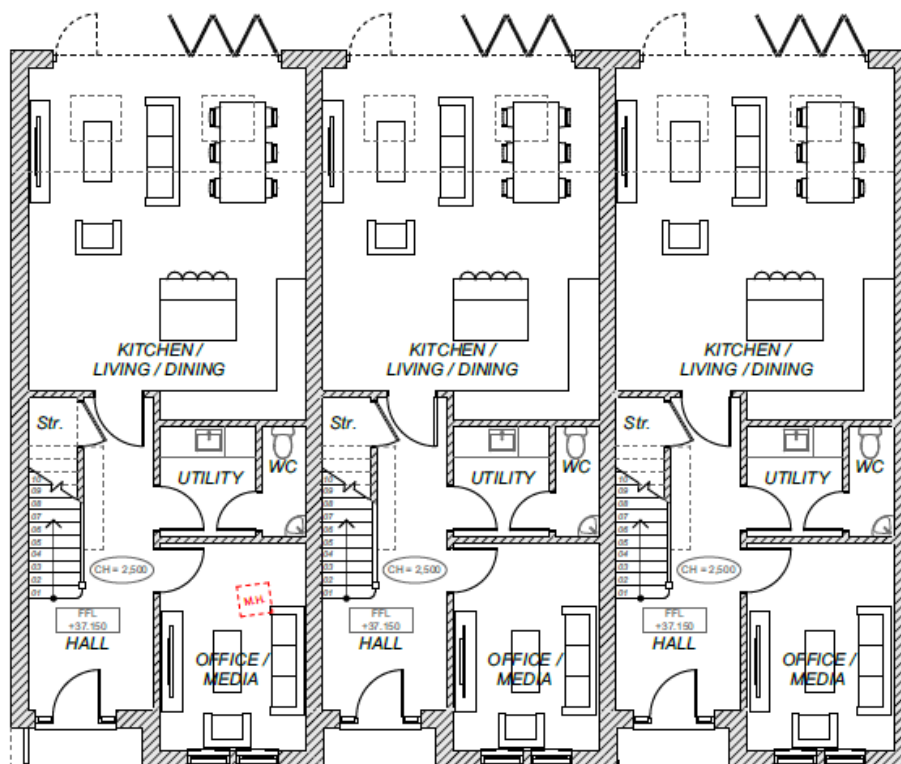
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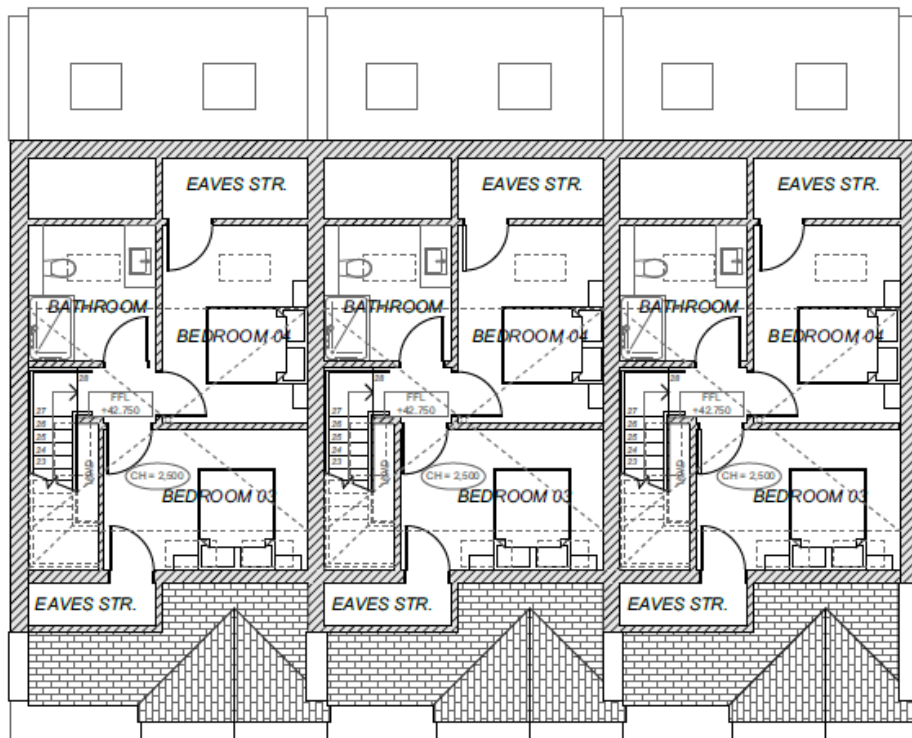
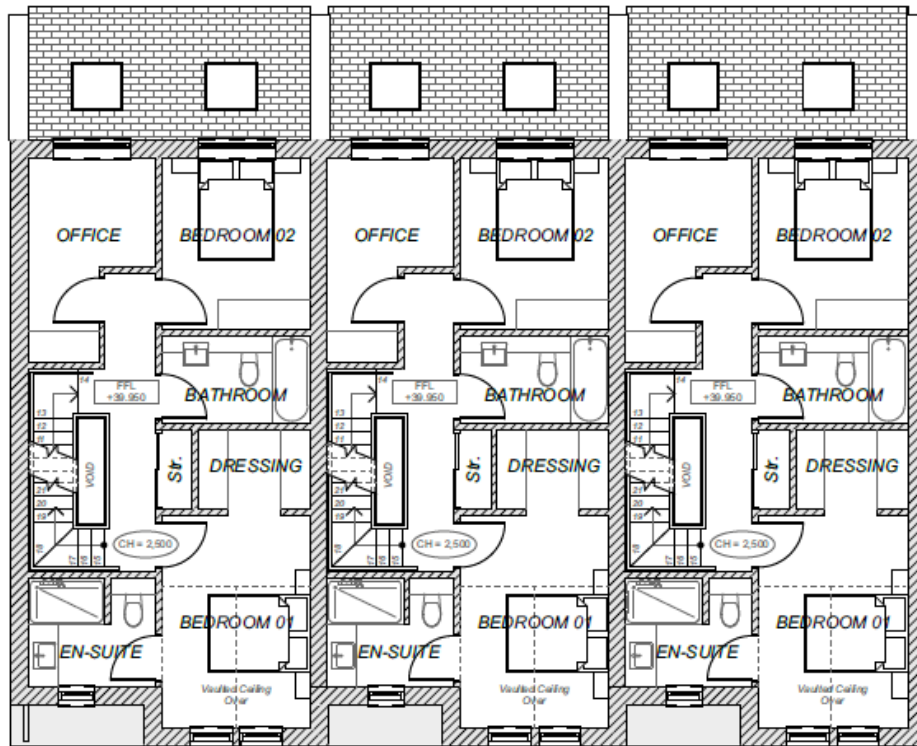


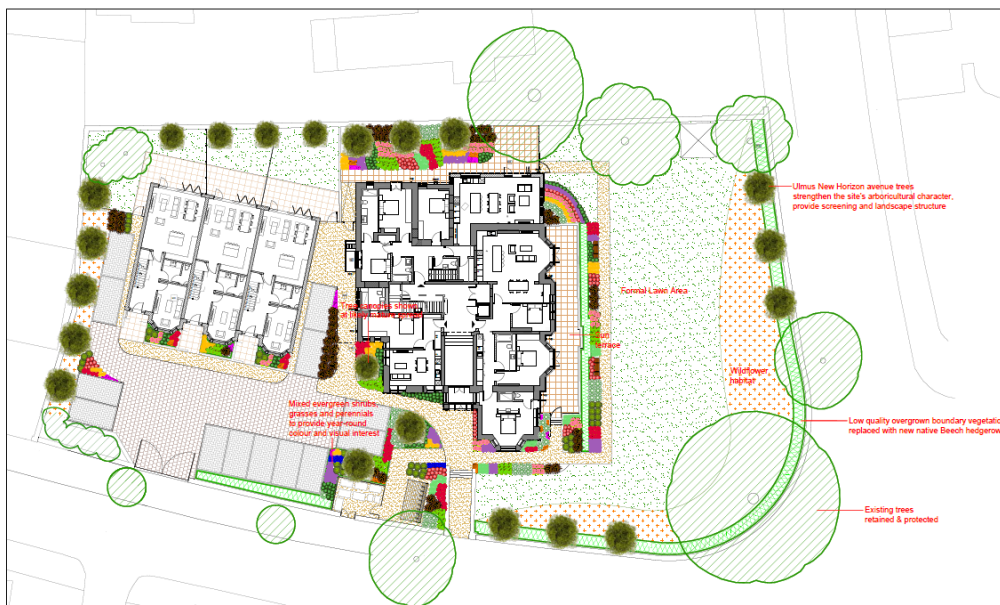
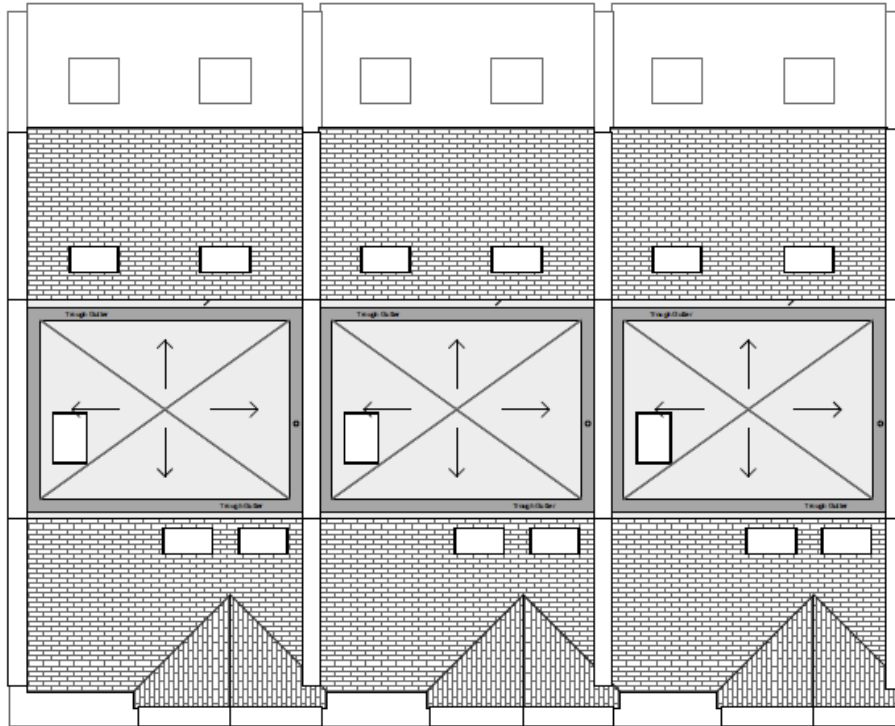
○ Presentation Elevation - E03
Scale 1:100



○ Presentation Elevation - E04
Scale 1:100





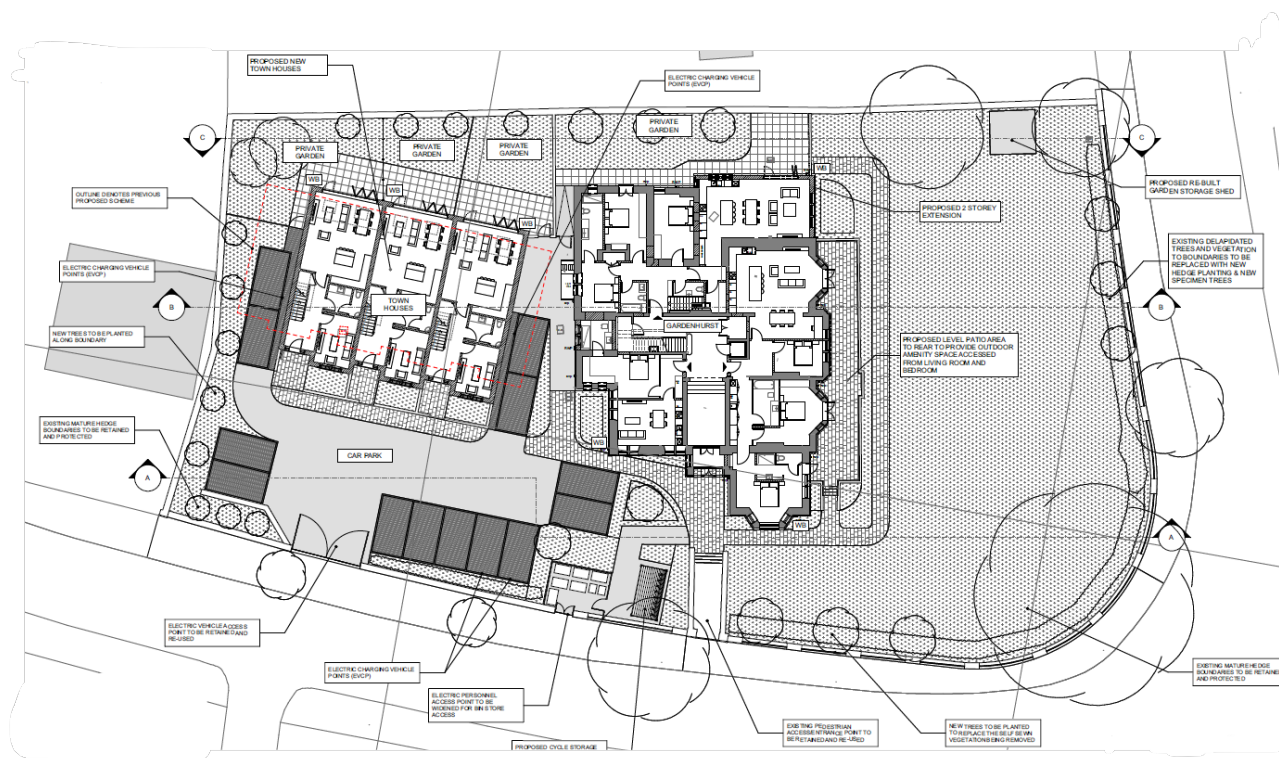


SOFT LANDSCAPE KEY

- EXISTING TREES TO BE RETAINED
- PROPOSED TREE PLANTING
(Refer to schedule for species)
- PROPOSED GRASS AREAS
(Turf or seed to be confirmed)
- WILDFLOWER AREAS 1
(Wildflower to be Erongate EMI - Meadow Mix or similar approved)
- PROPOSED NATIVE HEDGEROWS
(Refer to schedule for species/identities)

HARD LANDSCAPE KEY

- PROPOSED FOOTPATHS
(Reinforced concrete aggregate, Colour: Buff)
- PROPOSED DRIVEWAY
(Tarmac/Tarcrete 150mm Thick, Colour: Cedar)
- PROPOSED PATIO AREAS
(Tarmac/Tarcrete 150mm Thick, 100x100x50mm, Colour: Historic)
- PROPOSED PARKING AREAS
(Tarmac/Tarcrete 150mm Thick, 100x100x50mm, Colour: Silver, Latic Hemingstone)



PLANNING HISTORY

1991/01318/TCA - Remove one Lime tree – Withdrawn

1993/00811/TCA – Remove a Young Tree – Approved

1994/01081/OBS - Demolition of boundary wall and construction of replacement wall with new railings - Permittal (OBS - no objections: request conditions)

1994/01082/OBS – Construction of replacement boundary wall with railings - Permittal (OBS - no objections: request conditions)

2012/00444/RG3 - Construction of ramp for access – Approved

2015/01036/FUL - Change of use of disused care facility building to provide five apartments with four new townhouses on the rear car park of the property – Withdrawn

2022/00227/TCA - Work to Trees in Penarth Conservation Area: Removal of trees from overgrown boundary edge feature 'Group 8' (Bay, Hazel, Holly, Lilac, Laburnum, Oak, Sycamore, Prunus). Removal of Tree 290 (Prunus Kanzan). General site civilisation and pruning/gardening works, including boundary – Undetermined

2023/01261/TPO - Removal of 3no Bay trees and 1 no Bay hedge due to active boundary wall displacement. Only 2no trees are the subject of the TPO, being Multi-stem Bay Tree 1 and Multi-stem Bay Tree 2 as identified on the site plan. – Approved

2024/00236/TCA - Removal of 1 Multi-stemmed bay tree and one bay hedge – Approved

CONSULTATIONS

The below consultation responses relate to the most recent consultation period after re-registration of the planning application.

Penarth Town Council were consulted on 16 August 2023, and responded stating the following:

The proposed reduction in the number of units and amendments to the design are welcomed. The application site appears capable of accommodating the proposed development without appearing as overdevelopment. It is noted there is still limited parking provision.

Councils Highway Development Team were consulted on 16 August 2023 and responded stating the following:

The town houses are provided at 4 bedroom three storey dwellings. In accordance with the councils maximum parking standards which is 1 space per bedroom up to a maximum of 3 spaces and 1 visitor space per 5 dwellings, the maximum standards would equate to 25 parking spaces. Under the current information provided, 13 spaces have been proposed.

The development provides 13 parking spaces internally which is a reduction in parking by almost 50%. Consideration has been given to the nature of the development and parking for apartments is usually accepted to be reduced subject to being located in sustainable locations. The site lies close to public transport provision, the esplanade of Penarth and the town centre. A reduction in parking can be justified in this instance.

Furthermore, the highway authority requested a parking survey to be conducted and the results of that survey highlight that there is sufficient on street availability to cater for any additional provision which may be required as part of the development if the internal parking area is saturated.

Finally, swept paths have been provided for larger delivery vehicles and this confirms they could safely turn within the site and leave in forward gear.

Therefore, the highway authority has no objection to the proposals subject to the following:-

- 1. Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The CMP shall include a scheme detailing provision for onsite parking for construction workers for the duration of the construction period, loading and unloading of plant and materials within the site boundary, measure to control mud and debris entering the highway and ensuring that no materials whatsoever shall be stored on the adjacent highway. The scheme shall be implemented throughout the construction period.*

Reason: - To ensure adequate off-street parking and storage during construction in the interests of highway safety.

Advisory Notes

- *The gradient of the proposed vehicular / pedestrian access roads serving the development should not exceed 5% (1 in :20) for the first 10m and thereafter shall not be steeper than 8.33% (1 in 12).*
- *The applicant is required to contact Highway Maintenance team (networkmanagement@valeofglamorgan.gov.uk) prior to carrying out any works on site adjacent to the adopted highway to agree location, specifications and for permission to work within the highway. All associated costs of undertaking the works will be at the applicant's own expense to ensure all works on the adjacent highway will be undertaken in accordance with the Council's standard details for adoption and in the interests of highway safety.*

The Councils Drainage Section were consulted on 16 August 2023 and responded with the following:

This site is located within DAM Zone A (TAN15 2004) which is considered to be at little risk to fluvial and coastal / tidal flooding. NRW flood maps indicate that this site is at a very low risk of surface water flooding.

This application is subject to SAB approval prior to any commencement of work. As such a detailed design for the surface water drainage will be required to be submitted through the SAB process. The intention to do so has been indicated in the proposal but has not yet been submitted.

Housing Strategy (Affordable Housing) were consulted on the scheme and responded with the following:

There is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2021 Local Housing Market Assessment (LHMA) which determined that 1205 additional affordable housing units were required each year to meet housing need in the area.

The need is further evidenced by the following figures from the Council's Homes4U waiting list in the area in the ward of Plymouth:

PLYMOUTH	
<i>1 bed</i>	<i>65</i>
<i>2 bed</i>	<i>40</i>
<i>3 bed</i>	<i>16</i>
<i>4 bed</i>	<i>3</i>
<i>5 bed</i>	<i>1</i>
	<i>125</i>

This is an application to convert a former care facility into 6 apartments and to build 3 new terraced houses. In line with the SPG this results in a 40% element of affordable housing being required, to be made by way of 3no 1 bedroom affordable units on site plus a financial contribution AHC (0.58) x 0.6 of the ACG of the unit type most in demand, in this case a one bed unit i.e., £119,100 x 0.58 x 0.6 = £41,446.80.

The affordable units will need to meet WDQR21 standard, and a social landlord will need to be involved to manage the units.

However, following discussions with the Councils Housing Development Department and Registered Social Landlords (RSLs), there were no RSLs which were willing to take on the three affordable units within the converted Gardenhurst.

Resultantly, an off-site financial contribution was required, totalling £240,718.

Plymouth Ward Members were consulted on 16 August 2023 and Cllr Ernest responded stating amongst other things that *“the application could have a major impact on a number of unrelated nearby residents, and their views should be made known in any responses. Please advise best course of action. My own view is that this application should be brought to committee for determination.”*

The Councils Heritage (Planning Officer) was consulted on 16 August 2023 and responded with the following comments:

These comments relate to the amended plans received on 27.11.2023 for the townhouses and site plans.

The amendments to the townhouses are considered to overcome the previous concerns raised, subject to the conditions. The previous comments noted that the conversion was acceptable in principle and conditions have been supplied to ensure the details are agreed. It should be noted that the approval should ensure for the conversion of the main house all windows are timber (colour finish not grey but to be agreed) and for the townhouses, a natural slate is used.

REPRESENTATIONS

The neighbouring properties were consulted on 16 August 2023 and a site notice was also displayed on 20 September 2023 and to date, three neighbour representations have been received. A summary of the comments received and viewable below:

- Application supported and welcomed
- Increase housing units
- Enhance the original building and surrounding area
- Improvements to garden area
- Gardenhurst gifted to council for benefit of community
- Welcomed to provide accommodation and tidy the site
- Overdevelopment of site
- Potentially 25 cars resulting from proposal
- Visibility issues from lane opposite Gardenhurst
- Council powerless to compulsory purchase neighbouring semi-derelict properties
- Property should be converted to apartments without townhouses
- Sensitive design elements welcomed
- Revised townhouse proposals are considered appropriate in comparison to previous submissions
- Concerns that the principle of new infill housing in the grounds of Gardenhurst will be established

- Authority should consider setting out in any such approval that the construction of new infill housing at Gardenhurst is a correlated and combined development which is expressly linked to the conversion of the villa apartments

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
 POLICY SP3 – Residential Requirement
 POLICY SP4 – Affordable Housing Provision
 POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
 POLICY MG4 – Affordable Housing
 POLICY MG28 – Public Open Space Allocations

Managing Development Policies:

POLICY MD2 - Design of New Development
 POLICY MD3 - Provision for Open Space
 POLICY MD4 - Community Infrastructure and Planning Obligations
 POLICY MD5 - Development within Settlement Boundaries
 POLICY MD6 - Housing Densities
 POLICY MD7 - Environmental Protection
 POLICY 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 12, February 2024) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- 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 12 – Design (2016)
- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

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

- Affordable Housing (2024)
- Biodiversity and Development (2018)
- Design in the Landscape
- Parking Standards (2019)
- Penarth Conservation Area
- Planning Obligations (2018)
- Public Art in New Development (2018)
- Residential and Householder Development (2018)
- Penarth Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Section 160 (1) of the Historic Environment (Wales) Act 2023, 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

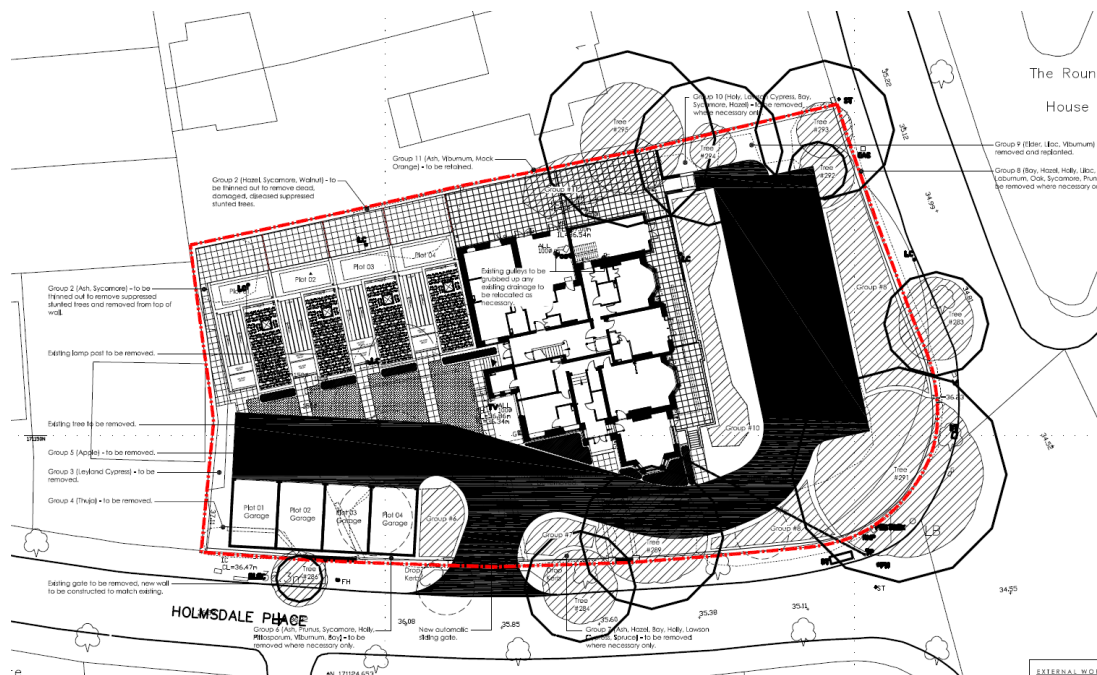
The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council’s duty and the “sustainable development 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

The key issues to consider in the determination of this application against the above policies and guidance includes the principle of the redevelopment of the site from use class D1 to C3 and the construction of three dwellings within the grounds, the design and visual impact of the proposal on the character and visual amenity of the host building, street scene and wider Penarth Conservation Area, impact upon neighbouring amenity, parking and amenity space provision, highway safety, drainage and ecology, affordable housing, S106 contributions and associated development viability, green infrastructure and biodiversity enhancement.

Background to application

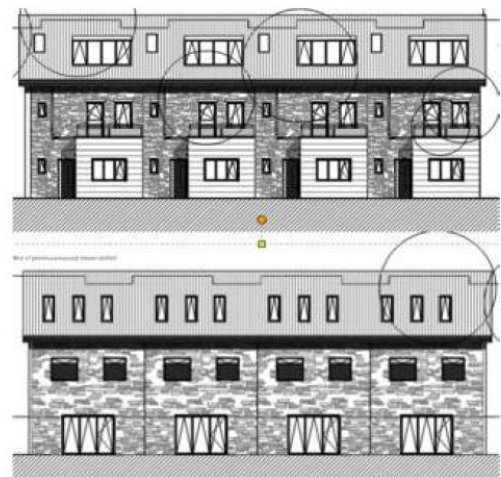
By way of background to this application and previous schemes within the site, this application was originally submitted in 2016, following the withdrawal of a previous application ref: 2015/01036/FUL, in which the conversion of Gardenhurst to five flats was proposed, with four townhouses proposed within the car parking area. The site plan and elevation plans for this application are detailed below:





This scheme was considered to have significant harm to the character and appearance of the Penarth Conservation Area and was considered an overdevelopment of the site and considered unacceptable. The scheme was subsequently withdrawn.

Following this, this current application was submitted in 2016 for the same number of apartments, and four townhouses. This iteration saw the reinstatement of the gardens to the main dwelling and a slight reduction in scale.



Concerns remained in respect of the impact upon the character of the conservation area, and whilst various iterations of townhouses were developed, these remained inappropriate in the context of the application site and wider conservation area.



The application was then put on hold and held in abeyance as a result on the coronavirus pandemic following which, the scheme was further revised and resubmitted in April 2022 as shown below:



The former Conservation Officer stated that this design iteration reduced the number of dwellings from four to three, which allowed for more space between the existing buildings, which was a principal concern raised previously. The use of projecting gables with a bay window to the ground floor at front elevation was also generally supported.

The proposal subject to this decision is an evolution of this scheme, and the impact to the character of Gardenhurst and the wider street scene and Conservation Area is considered in further detail below.

The principle of development

The most recent use of the building was as a day care facility for the elderly, operated by the Vale of Glamorgan Council prior to its closure and subsequent sale, which fell under use class D1. As such, the building currently has a use class definition of D1.

The proposal seeks to change from use class D1 to C3, and whilst this would result in the loss of the D1 use class, there are no current policies which protect use class D1 from a change of use to C3. Consequently, the proposed change of use from D1 to C3 is considered acceptable.

Notwithstanding this, the site is located within the settlement boundary of Penarth, and policy MD5 of the LDP states that new development will be acceptable within settlement boundaries subject to a series of criteria (relating to design, impact on amenity, highways issues etc).

In particular, criterion 3 requires that the proposed development:

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

In view of the above, it is, therefore, considered that the residential redevelopment of the existing building to a flatted development and the construction of three dwellings within the carpark would not be incompatible with the surrounding residential character of area, subject to complying with the series of criteria within policies listed above and assessed below.

Design and Visual Impact

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

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

The property lies within the Penarth Settlement Boundary, therefore Policy MD5 (Development within Settlement Boundaries) is of relevance, which states that new development within these settlements will be permitted where the proposed development:

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

Policy MD8 (The Historic Environment) relates to properties within the Conservation Area. Development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan, specifically

2. *Within conservation areas, development proposals must preserve or enhance the character and appearance of the area;*

Section 160 of the Historic Environment (Wales) Act 2023, 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.

The building is also identified as a 'Positive Building' and is located within the Esplanade and Gardens Character Zone within the Penarth Conservation Area Appraisal Management Plan.

The application site relates to a large, detached and attractive Victorian-era villa (known as Gardenhurst) located on a highly prominent corner plot at the junction of Holmesdale Place and Park Road, Bridgeman Road and Marine Parade, albeit it is currently semi-derelict and the building has been vacant since its closure as a care facility in 2014. Nevertheless, the building and the wider site retains much of its original character.

Having regards to the impact upon the character and visual impact of Gardenhurst, the application proposes the conversion of the building and the removal of unsympathetic modern additions and the construction of a two-storey extension to the side elevation of the building.

The removal of the modern additions is considered acceptable and welcomed and would enhance the character and visual amenity of the host building. The extension would result in additional massing to the side of the building; however, it is of a scale which is in-keeping with this host building and has been designed in the same architectural style as the host building. The external finishes are specified to match the host building, however, to ensure the character of Gardenhurst is preserved, it is considered necessary to condition samples of the external materials and fenestration to be used in the extension and the conversion of the building. This will be secured by condition. **(Condition 4 refers)**. In addition of the details which as windows, doors, balcony railings and rainwater goods shall also be secured by condition **(Condition 5 refers)**,

In respect of the wider street scene and Conservation Area, the extension would be visible from Park Road, however the extension is proportionate to Gardenhurst, and would be finished in materials to match the host building, which would mitigate the visual impact of the proposal. Notwithstanding this, the dwelling is set back a considerable distance within the site and would not project past the principal elevation of Gardenhurst.

The proposed conversion of Gardenhurst and associated extension is considered acceptable and would preserve the character and visual amenity of this 'Positive Building' and the wider Penarth Conservation Area.

Having regards to the impact of the terrace block on the character of Gardenhurst and the wider street scene and Penarth Conservation Area, this would be constructed within the former car parking area which served the day care centre. Whilst the terrace would effectively be located within the rear amenity space of Gardenhurst, the proposed dwellings would oppose Holmesdale Place, along with the associated vehicular access.

As aforementioned, the application initially proposed several design iterations which proposed blocks of four dwellings, however the form and massing of a block of four dwellings and their proximity to the rear elevation of Gardenhurst would have detrimentally impacted upon the spaciousness surrounding the building and would have resulted in an overdevelopment of the site. A block of four dwellings would therefore have appeared visually incongruous when compared to the scale of the development in the wider street scene and Penarth Conservation Area and would have detrimentally impacted upon the character of the host building.

The scheme has since been revised, with a block of three dwellings proposed to the rear of Gardenhurst in the form of an infill development. The footprint and siting of the block has been designed to represent a subservient addition to the plot and would not directly compete with the main building. The density of the block has been designed to correspond with the density of the neighbouring infill dwellings, with a plot ratio of built form of approximately 25%, compared to the adjacent neighbours having a ratio of 29% and 22% respectively, and Gardenhurst having a ratio of 23% within its new subdivided plot. The terrace block would also be set a sufficient distance from the rear elevation of Gardenhurst, which would maintain a degree of spaciousness around the original building and would be read as a separate entity.

In respect of the height of the terrace block, the eaves and ridge height would match that of the adjacent neighbour (to the west) and would be considerably lower than that of Gardenhurst. This allows Gardenhurst to be read as the main building and would ensure the infill development does not compete with the original building, whilst ensuring that the development is commensurate with the wider context and street scene in respect of its scale massing. As a result of this, the scale and massing of the terrace, along with its siting within the plot would result in an appropriately sited and scaled form of development which would preserve the character of the host building.

The design of the terrace block differs from Gardenhurst and is stated to be a more contemporary interpretation which references the architectural features of the Penarth Conservation Area whilst retaining a traditional appearance commensurate with the street scene. The use of gable projections is considered appropriate and would match design features used in neighbouring dwellings. The terrace is finished in red brick, which is read in context with the more recent infill developments on Holmesdale Place. This is considered acceptable and allows the terrace to be read as a separate form of development and would not be construed as an extension to Gardenhurst. Notwithstanding this, it is considered necessary to condition that details of the proposed brick and slate are secured by condition, along with details of the fenestration and canopies to ensure the proposed finishes are acceptable in respect of their impact upon the character and visual amenity of the conservation area. **(Conditions 4 and 5).**

As such, subject to conditions, the design, scale, form, positioning and massing of the proposed terrace block is considered appropriate in the context of the application site, its impact on the character and visual amenity of Gardenhurst, the street scene of Holmesdale Place and the Penarth Conservation Area.

With regards to the hard landscaping, the parking layout is considered acceptable and would not result in an undue provision of hard landscaping which would unacceptably impact upon the character and visual amenity of Gardenhurst and the wider conservation area. Notwithstanding this, details of the hard standings, boundaries and entrance gates, along with the cycle and bin store shall be secured by condition **(Condition 5 relates)**.

In respect of the boundaries, as noted above, the site is enclosed by dense vegetation and views are limited due to the sections of timber boarding used between the stone columns. The proposal seeks to remove the low quality overgrown boundary vegetation and replace it with a new native Beech hedgerow, inter-planted with Ulmus New Horizon avenue trees to strengthen the site's arboriculture character, provide screening and landscape structure. The Design and Access Statement states that the existing stone boundary wall will be repaired and new metal railings installed between the stone columns (as shown in the indicative CGI below). Whilst the site will be more open to public views, these works will restore the historic view of the building at this prominent location, which will enhance the character of the Conservation Area. Full details of the proposed boundary railings will be required by condition (**Condition 5 refers**)



DAS - Figure 32: Proposed street elevation with reinstated views to the Victorian Villa

In regards to trees and soft landscaping, the application has been supported by a pre-development tree survey and constraints undertaken by Tree Maintenance LTD in March 2023.

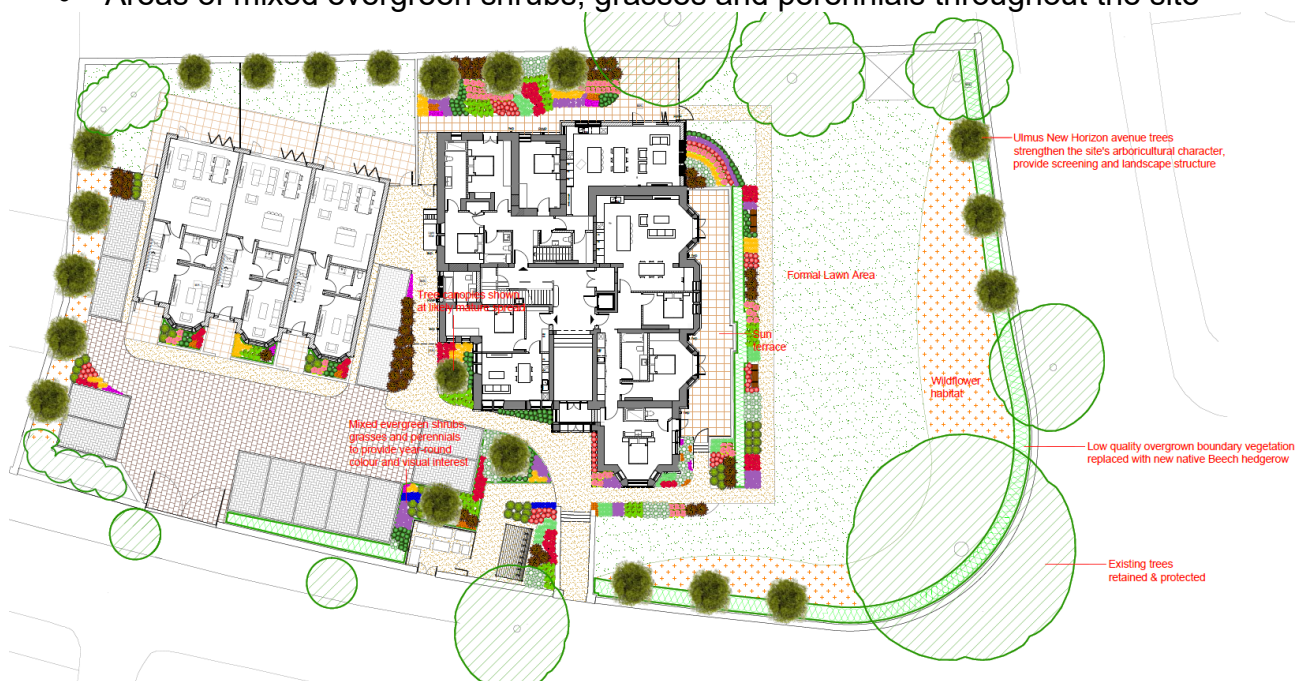
It should be noted that since this survey was submitted, a TPO application for the removal of three Bay trees and one Bay hedge has been approved under ref: 2023/01261/TPO along with a TCA application for the removal of one multi-stemmed Bay tree and one Bay hedge. The proposed landscaping proposed as recommended by the Tree Constraints Survey is considered acceptable and proposes largely routine maintenance and the removal of dead, dangerous and diseased trees.

The scheme proposes to remove some 36 trees, which are category C1 trees, principally around the perimeter of the site, to be replaced by a beech hedge. The removal of a number of overgrown trees and shrubs, would have a visual impact on the character and visual amenity of the conservation area, and whilst resulting in a more open site, will allow this prominent historic building to be more visible and add to the character of the Conservation Area.

Noting the loss of the trees the scheme of landscaping is comprehensive and the planting of a new hedgerow, inter-planted with Ulmus New Horizon avenue trees (6 No.) will strengthen the site's arboriculture character, provide screening and landscape structure. Whilst the species of Ulmus (Elm) is not a native species, it is a cultivar resistant to Dutch Elm disease and is noted for its success in urban planting, quick to establish and a fast grower.

In brief the proposed scheme of landscaping comprises of below:

- 21 new trees planting around the boundary of the site
- Large area of wildflower planting within the formal gardens of Gardenhurst
- Low quality overgrown boundary vegetation replaced with new native Beech hedgerow
- Areas of mixed evergreen shrubs, grasses and perennials throughout the site



Outline Landscape Proposals

Whilst the number of trees to be replaced falls short of the number to be felled it has to be accepted that the trees that have established themselves have in part been due the lack of maintenance since the site has been vacant and in part are species that in any case are not considered to offer any particular merit from an arboricultural perspective.

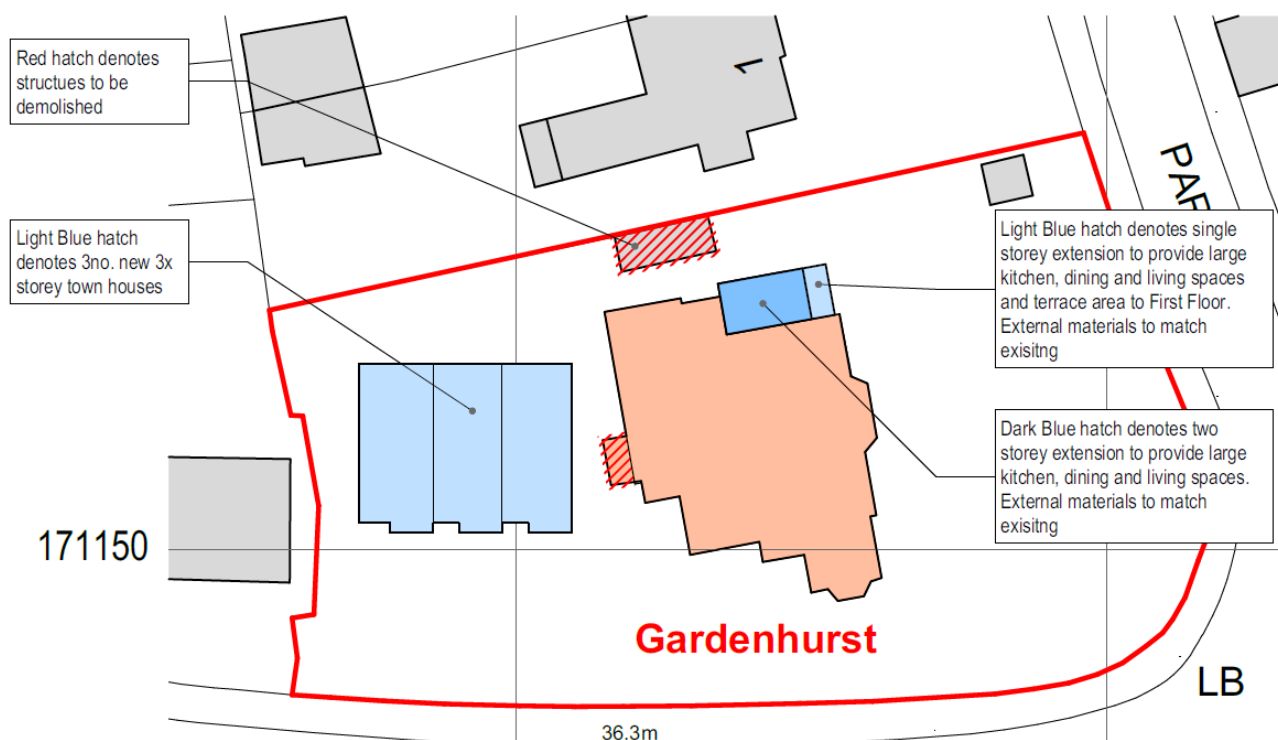
Full details of the proposed species for the trees, hedgerow and shrubs have been provided within the outline landscape proposals, which are considered acceptable having regards to the opening up of the site and bringing the site back into beneficial use and would appropriately mitigate the loss of the poor-quality hedgerow, and the implementation and management of the landscaping scheme will be secured by condition (**Condition 8 and 9 refers**).

Details of scheme of tree protection is also required (**Condition 21 refers**) to ensure that the existing trees to be retained on site are protected during the construction phase of the development.

Consequently, subject to conditions, it is considered that the proposed conversion of the existing vacant building would enhance the character and visual amenity of the street scene and Penarth Conservation Area, whilst bringing a vacant CAAMP identified 'Positive Building' back into use. The revised layout, siting scale and design of the proposed terrace block is considered acceptable and would respond appropriately to the context and visual amenity of Gardenhurst and the wider street scene and Conservation Area. The proposed landscaping scheme is considered acceptable and proportionate to the proposed development. The scheme is therefore considered compliant in respect of Policies MD2, MD5 and MD8 of the Adopted LDP, the Penarth Conservation Area Appraisal and Management Plan and Section 160 of the Historic Environment (Wales) Act 2023.

Impact upon Neighbouring Amenity

Policy MD2 of the LDP and the Council's SPG on Residential and Householder Development seeks to ensure adequate amenity for the occupiers of not only new housing but also the existing properties. Criterion 8 of policy MD2 of the LDP seeks to safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.



Having regards to overshadowing and loss of outlook, the construction of the two-storey terrace block of townhouses would result in additional massing within the car parking area of Gardenhurst, which would be visible from the adjacent neighbour (rear of 1 Holmesdale Place) to the west and Parkside Residential and Nursing Home to then north. In respect of the neighbour to the west, this property is in a semi-derelict condition, however, it nevertheless has a residential use which could be re-instated and as such consideration must be given to any future occupiers of this property. The structure would be visible from the garden of this neighbour and would undoubtedly have a material impact to this neighbour in respect of overshadowing, however it is set off the boundary by approximately 6.3m. Resultantly, the separation distance from the boundary and the eaves and ridge height of the terrace block are such that this would not result an unacceptable degree of overshadowing and loss of outlook.

The townhouses would be set off the boundary from Parkside Residential and Nursing Home by 5m at their closest point, increasing to 10m. Whilst this would undoubtedly result in additional massing in relatively close proximity to the shared amenity space of the residential home to the rear of the site at their closest point, the scale and massing of the structure is considered acceptable, and the separation distance is considered to further mitigate this impact. Resultantly, whilst acknowledging that the scheme would have a degree of impact in respect of overshadowing, it is not considered that the proposal would unacceptably impact upon this building in respect of overshadowing and loss of outlook.

A two-storey extension is proposed to the north facing elevation of Gardenhurst, and whilst this would result in additional massing to the side elevation of the building, adjacent to the boundary with Parkside Residential and Nursing Home, it would be set off the boundary by approximately 4.8m, which is considered sufficient to adequately mitigate any impacts to this neighbour.

In respect of overlooking and loss of privacy, the terrace block is located approximately 5m from the boundary with the residential home to the rear, extending to 10m. The windows contained within the rear elevation of the terraced dwellings at first and second floor are proposed as being high level windows set at a minimum of 1.7m above floor level. Whilst the array of windows to the rear elevation of the terrace has the potential to offer a perceived sense of overlooking into the shared amenity space serving the care home, given that they are high level windows, this is considered to mitigate any unacceptable overlooking impacts to these neighbours and would have an acceptable impact to this neighbour. The windows contained within the front elevation of the terrace would be located in excess of 21m from the opposing neighbours on Holmesdale Place and would have no impact in respect of overlooking and loss of privacy.

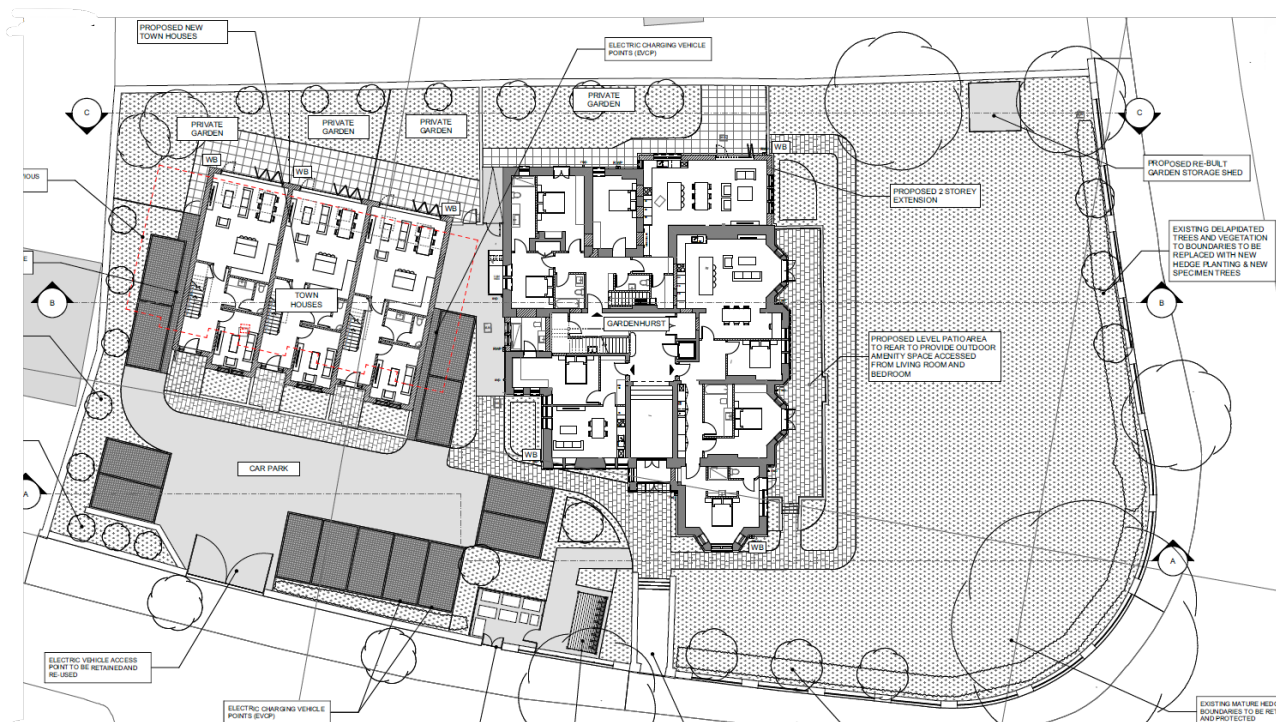
With regards to overlooking and loss of privacy resulting from the conversion of the existing Gardenhurst building, the building has been semi-derelict in excess of ten years, and its last use was as a day care centre. Therefore, any residential use would result in a materially greater impact than the existing and previous use, albeit the conversion would largely utilise or enlarge the existing openings serving the building. Two new windows are proposed within the north facing side elevation at first floor serving a bedroom and ensuite. These windows would be located approximately 12m from the side elevation and associated windows serving bedrooms within Parkside Residential and Nursing Home. Given this distance between opposing neighbours, it is considered necessary to condition that these windows are obscurely glazed and non-opening to a minimum of 1.7m from floor level to ensure the privacy of the neighbouring occupants of Parkside Residential and Nursing Home is preserved. In addition, a terrace is proposed to serve this flat, which would provide elevated views towards the side elevation of Parkside Residential and Nursing Home. As such, it is considered necessary to condition that the north facing elevation of this first-floor terrace has an obscured privacy screen to a minimum of 1.8m in height. **(Conditions 10 and 11 refer).**

Consequently, subject to conditions in respect of the balcony screen and high-level windows to the rear elevation of the townhouses and side elevation of Gardenhurst, the proposal is considered acceptable in respect of its impact to neighbouring amenity, and would be compliant with criterion 8 of Policy MD2 of the Adopted LDP.

Amenity Space

The Residential and Householder Development SPG states that new residential developments should be served by an adequate and useable provision of amenity space. For flatted developments, the standards require between 12.5 sq. m and 20 sq. of amenity space per person, depending on the size of development. Based on the number of units proposed the requirement would be 20 sq. m per person for occupants within the flats.

The three-bedroom flat would be served by a private terrace to the north of the building, which would measure approximately 115sqm and is sufficient to serve this unit. The two-bedroom flat above would be served by a private terrace at first floor measuring 17.5sqm, and the remaining flats would be served by a communal garden to the front of the building, which measures in excess of 1200sqm and is therefore sufficient to serve all occupants of the flats, which all have direct access to the amenity space.



For the townhouses, a minimum of 20 sq. m amenity space per person should be provided, and the majority should be private garden space. The houses each contain five bedrooms, which would require 80sqm of amenity space, in accordance with the Residential and Householder SPG.

Townhouse One would be served by approximately 96sqm of amenity space, Townhouse Two would be served by approximately 55sqm and Townhouse Three would be served by approximately 77sqm. Whilst Townhouse Two would have a deficit, the proposed amenity space is of a useable shape, form and topography, and is considered sufficient to serve the dwelling, owing to its town centre location.

Moreover, it is noted that the flats and town houses will have provision for bin storage and cycle parking separate to the areas of amenity space.

Resultantly, the proposed units are considered to be adequately served by amenity space and compliant with the Councils Residential and Householder Development SPG.

Highway Safety, Traffic and Parking:

Policy MD2 (Design of New Development) requires that development proposals should provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users and have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree.

The site would utilise the existing vehicular access onto Holmesdale Place, a residential street connecting Bridgeman Road/Park Road/Marine Parade to the east, with Plymouth Road to the west. As aforementioned the last use of the site was for an elderly day care centre (Use class D1) and this use is extant. Given that the proposal retains the existing access which served the day care centre, it is not considered that the proposal would have a materially greater impact upon the surrounding highway network, given that the site could theoretically reopen as a D1 use day care centre without the need for a new planning application. Notwithstanding this, Holmesdale Place is a residential 20mph street, and the number of movement, base on the car parking provision within the site (as set out below) is not considered to have an unacceptable impact upon the surrounding highway network.

The Councils Highways Authority requested swept paths for larger vehicles, which confirm that they could safely turn within the site and leave in a forward gear.

In respect of parking provision, each apartment is assigned one parking space, with two spaces per townhouse plus a visitor bay, totalling thirteen spaces to serve the development. The Councils Parking Standards SPG set maximum standards that can be sought to serve a development, where this residential development would require a maximum of twenty-five spaces. These standards are the maximum number of spaces that can be sought rather than minimum, in order to enable flexibility of the parking standards to reflect local conditions.

The site is located within a highly sustainable location, within easy walking distance of Penarth town centre and the amenities and transport links within. Nevertheless, the scheme has been supported by a parking survey. This concluded that the maximum utilisation of the available on-street parking within the study area was 59% and supports the view that if there is any potential for overspill parking associated with the development then this sufficient on street parking within the immediate vicinity of the site to accommodate this. Resultantly, the number of spaces proposed to serve the development is considered acceptable given that all units are served by at least one parking space, and there is sufficient on-street parking capacity to serve the units, should there be any overspill. Notwithstanding this, it is not considered that the proposed residential use would result in a materially greater number of parking spaces that the former use of the building as a D1 Day Care centre would.

In order to ensure that the development is served by the proposed parking, a condition will be applied to the decision notice requiring the parking spaces to be laid out in accordance with the submitted plans prior to the first occupation of any of the townhouses or apartments. **(Condition 12 refers).**

Notwithstanding this, it is considered necessary to require the submission of a Construction Traffic Management Plan (CTMP) to ensure that the construction phase of the development has no unacceptable impacts upon the wider highway network. **(Condition 13 refers)**

Consequently, in light of the above, the scheme is considered compliant with criterion 6 of Policy MD2 of the Adopted LDP and would be acceptable in respect of the Council's Parking Standards SPG.

Ecology and Biodiversity Enhancement

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

The application has not been supported by a bat and bird nesting survey however as there are no significant works proposed to the existing roof there is no requirement for a bat survey. However, the applicant should note that if there is any significant works to the roof (including soffits, lead flashings etc) then Natural Resources Wales should be contacted for advice. An informative has been added to advise.

Furthermore, Policy MD9 of the Adopted LDP requires an enhancement to biodiversity. Whilst the proposed scheme of landscaping is sufficiently detailed, it is considered necessary to require a biodiversity enhancement strategy addressing enhancement measures to be submitted, which shall include details of bird and bat box provision, and details of any additional ecological enhancements. This will be secured by condition. **(Condition 14 refers).**

Drainage

Policy MD7 - Environmental Protection requires development proposals to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from flood risk and its consequences.

Furthermore, Planning Policy Wales and its associated Technical Advice Note (TAN) 15 requires that consideration be given to any potential for flooding from surface water emanating from the proposed development sites.

This site is located within DAM Zone A (TAN15 2004) which is considered to be at little risk to fluvial and coastal / tidal flooding. NRW flood maps indicate that this site is at a very low risk of surface water flooding.

Notwithstanding this, any 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), require SuDS Approval Body (SAB) approval prior to the commencement of construction. The site is therefore be subject to the SAB process in terms of surface water.

The application form states that the foul sewage would be disposed of via the public sewer. Dwr Cymru Welsh Water have not commented on the scheme, however a condition ensuring no surface water is connected will be added to the decision notice. **(Condition 17 refers).**

It is considered that the proposed development would comply with the requirements of policy MD7 of the LDP and TAN15 with respect to drainage or flood risk. On the basis of the above, the applicant will be advised of the need to submit an application to the SuDS Approval Body (SAB) by way of an informative.

Contamination

Policy MD7 (Environmental Protection) requires development proposals to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from (inter alia):

- : Land contamination
- : Hazardous substances
- : Noise, vibration, odour nuisance and light pollution;

No comments have been received from the Council's Contaminated Land Officer, however the standard conditions in respect of contaminated land assessment, imported soil and unstable land will be included within the decision notice. **(Conditions 18, 19, 20 refer)**

Green Infrastructure

Chapter 6 of Planning Policy Wales Ed.12 states that Green infrastructure is the network of natural and semi natural features, green spaces, rivers and lakes that intersperse and connect places and that the planning system must maximum its contribution to the protection and provision of green infrastructure assets and networks by adopting a strategic and proactive approach to green infrastructure, which is an important way for local authorities to deliver their Section 6 Duty. Consequently, a green infrastructure statement is necessary for all planning applications to describe how green infrastructure has been appropriately incorporated into the proposal and wider application site, and how the quality of the built environment has been enhanced by integrating green infrastructure through the application of the step-wise approach within the statement.

The application has been supported by a green infrastructure statement along with the submitted tree surveys and landscape management plans.

The statement confirms that the stepwise approach has been utilised in the preparation of the site layout and landscape strategy, The statement notes that the site layout is such that it avoids the felling of better quality trees and retains the large areas of greenery fronting the site, in accordance with Step 1: Avoid. In respect of Step 2: Minimise, the aim is to minimum damage to the sites existing green infrastructure, by the retention and enhancement of its main lawn and most valuable trees. Mitigation for the potential damage to on-site GI assets was mitigated with the production of the Tree Constraints Survey and the outline landscape scheme, and by limiting the development proposals to either existing buildings or the existing hardstanding surface car parking area. The statement notes that enhancement opportunities, as required by Step 4: Compensate, are identified in detail within the landscape proposals.

The green infrastructure statement is relatively brief, however the stepwise approach to green infrastructure has been followed, and sufficient enhancements have been proposed within the landscape strategy.

Consequently, it is considered that the scheme would have some impact upon the existing green infrastructure, however sufficient enhancement is proposed to overcome the impact to green infrastructure resulting from the development. Notwithstanding this, the management of the landscaping for a minimum of 5 years will be conditioned, to ensure the proposed planting would be adequately maintained **(Condition 9 refers)**.

Planning Obligations

Policy MD4 'Community Infrastructure and Planning Obligations' of the Adopted LDP and the Council's SPG on Planning Obligations, sets out the policy framework for seeking new and improved infrastructure, facilities and services appropriate to the scale, type and location of proposed new development. In particular, the SPG on Planning Obligations sets out thresholds and formulas for each type of obligation, based upon different development types. Following consideration of the size of the development and the potential impacts and needs arising from the developments, the Council sought planning obligations for the following:

- Affordable Housing; (Off-Site Contribution of £240,718)
- Public Open Space; £24,012

The Council's Affordable Housing and Planning Obligations Supplementary Planning Guidance (SPGs) provides the local policy basis for seeking affordable housing and planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought and indicates how they may be calculated.

Affordable Housing

There is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2021 Local Housing Market Assessment (LHMA) which determined that 1205 additional affordable housing units were required each year to meet housing need in the area.

The need is further evidenced by the following figures from the Council's Homes4U waiting list in the area in the ward of Plymouth:

PLYMOUTH	
<i>1 bed</i>	<i>65</i>
<i>2 bed</i>	<i>40</i>
<i>3 bed</i>	<i>16</i>
<i>4 bed</i>	<i>3</i>
<i>5 bed</i>	<i>1</i>
	<i>125</i>

Officers have requested updated figures from the Council's Homes4U waiting list in the ward of Plymouth, which at the time at writing the report and based on the 2023 LHMA, now shows a greater need, being:

PLYMOUTH	
1 bed	90
2 bed	39
3 bed	14
4 bed	4
	147

The adopted Affordable Housing SPG sets out how affordable housing is calculated. The proposed development is within Penarth and as such 40% affordable housing would be requested on residential developments with a net gain of 1 or more.

Given the current use class of the building as a D1 – Day Care Centre, the proposal would result in a net gain of nine new dwellings. This would have required three units to be provided on site, with the requirement for an RSL to be involved in the affordable housing element, and the units to be DQR compliant.

Whilst this was initially requested, the Councils Housing Development department subsequently engaged with a number of RSLs, however no RSL was willing to take on any units provided on site.

In light of this, an off-site financial contribution to be used for affordable housing was required totalling £240,718.

Public Open Space

Residential developments are expected to make provision for Public Open Space and/or recreational facilities to meet the needs of the future population they will bring to the area. Open space offers vital opportunities for sport and recreation and also act as a visual amenity.

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

Policy MD3 of the LDP requires new residential developments to make provision for public open space at a minimum standard of,

1. Outdoor sports provision 1.6 ha per 1,000 population;
2. Children's equipped play space 0.25 ha per 1,000 population;
3. Informal play space 0.55 ha per 1,000 population.

The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space) as outlined in the approved Residential and Householder SPG. The proposals in their current form provide private amenity spaces to the three townhouses, with areas of private amenity space to varying sizes proposed to three of the apartments, and shared communal amenity space proposed within the front garden of Gardenhurst. However, no public open space is proposed within the development site.

The Open Space Background Paper prepared as part of the background evidence of the LDP identifies a shortfall in children's play space in the Plymouth Ward.

In such situations, the Council's adopted Planning Obligations SPG outlines that 'where it is impractical to provide open space and / or recreational facilities on site or where existing open space provision is deficient in quality in the immediate locality, the Council may be willing to accept alternative provision i.e. off site contribution payments.

There are children's play areas located in relatively close proximity to the site, with Alexandra Park playground (320m) and Cliff Top Park playground (700m). Whilst the site is located with good accessibility to children's play space such provision can be improved and an off-site contribution equating to a total of £24,012 would be appropriate in this instance, to enhance any of the above areas of the POS.

Development Viability

Welsh Government advice contained in "Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update" (2009) makes it clear that development viability is a material consideration in determining planning applications.

Para 4.2.22 of PPW states that *"Where up-to-date development plan policies have set out the community benefits expected from development, planning applications which comply with them should be assumed to be viable and it should not be necessary for viability issues to be considered further. It is for either the applicant or the planning authority to demonstrate that particular exceptional circumstances justify the need for a viability assessment at the application stage."*

LDP Policy MD4 recognises that regard should be given to development viability, and supporting paragraphs 7.29-7.30 advise as follows:

"7.29 Where a developer contends that the Section 106 requirements are too onerous... and will potentially make the scheme unviable, they will be expected to submit a breakdown of the development costs and anticipated profits based on properly sourced evidence. Developers must take account of the necessary planning obligation requirements at an early stage to ensure these are reflected in the land value assumptions. The Council may seek independent verification of these details before considering whether to reduce the number and / or value of planning obligations sought."

7.30 The Council accepts that it may not always be possible for developers to satisfy all the planning obligation requirements. Where this is proven to be the case, the Council will need to consider what the planning obligation priorities will be for that particular development, having regard to the site location and the local needs in the vicinity. This will be considered on a site by site basis having regard to the statutory tests. The Welsh Government has advised that, in such circumstances, affordable housing should be the priority once sufficient infrastructure to enable the scheme to proceed has been made available".

The viability of the scheme has been considered on the basis of an entirely off-site financial contribution, as it was confirmed that no Registered Social Landlords would be willing manage any units provided on site. As aforementioned, the requested off-site contribution totalled £264,730 comprising of the affordable housing contribution and the POS contribution.

Based on this requested contribution set above, the agent advised that the scheme would not be viable if the requested financial contribution was provided, which was detailed within a Viability Assessment undertaken by Savills on behalf of the applicant. An independent viability review was then undertaken by Avison Young following a joint instruction by the Council and the applicant to appraise the viability assessment submitted by the applicant, in order to provide an impartial view on its accuracy.

The viability review scrutinised and reviewed the details submitted by the applicant relating to Gross Development Values (GDV) and open market unit values, development costs, professional fees, developers contingency, developers profit and the benchmark land value.

With reference to GDV, the viability review adopted rates per square foot for the apartments and townhouses. The independent review stated that the values adopted for the apartments are reflective of the ceiling values for the comparable evidence found, due to the combination of the higher value location and the quality of the product/development, and this view was considered fair and justified. The viability review adopted rates for the townhouses, which consider the compromised site (shared access and/or driveway) and therefore are unlikely to achieve the top end £1 million plus market, which the independent review considers fair and not an unreasonable assumption. The independent review has undertaken their own research to ascertain the GDV based on the evidence available and considered that the evidence presented is reflective of the market and provided for a realistic GDV level and concluded stating that the approach to GDV is reasonable and the values adopted are reflective of the market value for the scheme.

In respect of Benchmark Land Value, the acquisition of the property was dated 2014 and at a figure of £1.225 million. The independent review acknowledges the marketing exercise that took place by the sales agent acting for the vendor at the time and identifies that there was a sufficient level of interest at the time of the marketing and sale, and the sale was from an open and exhaustive marketing campaign. As such, the independent review states that the purchase price was a full price and remains consistent with the actual price for the site. The BLV is based on the Existing Use Value (EUV)+ formula, being existing use value plus a landowner premium. The independent review has assessed the approach undertaken by Savills, and whilst no evidence has been provided in respect of the planning and professional fees costs within the Savills review, which the independent review would have liked to have seen in order to cross reference, it does not doubt that costs to this extent would have been incurred during the process of submitting and obtaining a consent to date. The independent review concludes by stating the basis and level of the BLV and the residential result appraisal is appropriate and are in agreement with Savills over the figures.

In respect of build costs, Savills have provided a breakdown on two sets of contractor's costs, together with a summary of the cross referencing with BCIS. The BCIS data sets that have been used by Savills in their report are for upper quartile which they comment reflects the nature of the scheme proposes and location within the conservation area, in which the independent review agrees with. The basis of the BCIS costs is therefore a range between £169 psf (housing) and £175 psf (apartments). Use of BCIS provides a total build of circa £2.8 million on basis of the sqft of the scheme proposed. The summary of the contractor costs from BECT builders was at a lower rate of £156 psf which equated to a cost of circa £2.5 million. The BECT costs have been used within the Savills appraisal, and whilst the independent review states that they could have used the BCIS costs, the approach is considered acceptable as BECT is the actual appointed contractor and therefore more robust. In addition, in using the BCIS datasets, the scheme would have been less viable than using BECT costs.

An appropriate developer's contingency has been applied, with allowances of 5% for developer and 8% for professional fees, which are considered fair and market normal rates. The fees and finance costs are 7% which is considered fair and reflective of the prevailing market conditions.

In respect of developer's profit, the Savills viability appraisal consider that a blended rate of 20% of revenue, with 6% to reflect social housing revenues. The independent review states that a developers view on profitability is therefore heavily driven by market confidence and the prevailing market conditions., and it is considered that the rates adopted by Savills is fair and reflective of the current market and prevailing conditions.

The viability appraisal and independent viability review of the scheme advises that the development does not provide an appropriate profit if a S.106 allocation is included on the site. The BLV is £1,470,000 based on the primary EUV+ approach. The 100% open-market scheme which provided the requested financial contributions produces a residual value of £933,861 and is therefore considered unviable. A 100% open market scheme with no S106 obligations produces a residual value of £1,161,334, which is below the BLV and remains unviable.

A sensitivity analysis of the 100% open market tenure scheme with no S106 contributions was undertaken by Savills, which detailed that, of 24 alternative scenarios modelled, only one combination of increased sale value combined with lower construction costs would result in a residual value that meets the BLV. It is noted that a combined +4% increase in sales values AND a -4% fall in construction costs would result in a residual value of £1,472,100 which meets the BLV and would provide a surplus of £3,100 that could be made available for planning obligations.

Resultantly, the appraisal and independent review indicates that the proposal, on the basis of a fully open market scheme, does not meet the required BLV, and the deficit is relatively small and overall the scheme is considered marginal, and the scheme cannot viably support any affordable housing or S106 obligations, and even fairly significant changes to revenues and costs would not provide a viable scheme.

Notwithstanding this, in circumstances whereby viability demonstrates that a scheme cannot provide for any or only part of a financial contribution, the viability assessment undertaken is time sensitive. Markets can change and schemes that were previously unviable can become more profitable to provide further contributions. That being the case, national guidance states that that reduced commencement periods are appropriate and a limited time for the implementation of the consent is recommended.

However, for such a review mechanism to work, Welsh Government guidance advises that there should be a very clear and binding definition of what amount of development needs to have been undertaken for the requirements of the permission to have been met.

Following consideration of the scheme and the likely timescale for construction and the scope of the works for the extension and conversion, it is considered that the authority would require the development to be practically completed within 3 years of the commencement of development. This would be secured through a section 106 agreement.

In the event that any of the townhouses or apartments are not practically complete on the trigger date the owner/developer would be required to submit a viability appraisal to the Council within 20 working days of the trigger date and pay the Council's costs in having the viability appraisal independently assessed by the District Valuer.

In the event that on review of the Viability Appraisal submitted it is concluded that the development is able to support payment of some or all of the planning obligations then the owner/developer would be required to enter into a section 106 agreement with the Council to satisfy the planning obligations deemed necessary by the Council to mitigate the impact of the development in planning terms.

A 3 year period for the commencement of the development is considered appropriate and this is, therefore, a recommended condition (**Condition 01**). This will, effectively, give the applicant a maximum six year period in which to substantially complete the development before a viability review is triggered.

Having considered the above, and in light of the advice published by Welsh Government, LDP Policy MD4 and the SPG on Affordable Housing, the Council consider that the absence of any planning obligations is only accepted in view of the development viability issues balanced against the desirability of bringing a positive building within the Penarth Conservation Area back into beneficial use.

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), SP4 (Affordable Housing Provision), SP10 (Built and Natural Environment), MG4 (Affordable Housing), MD1 (Location of New Development), MD2 (Design of New Development), MD3 (Provision for Open Space), MD4 (Community Infrastructure and Planning Obligations), MD5 (Development within Settlement Boundaries), MD6 (Housing Densities), MD7 (Environmental Protection), MD8 (Historic Environment), MD9 (Promoting Biodiversity), of the Vale of Glamorgan Adopted Local Development Plan 2011 – 2026, together with Policies 1 (Where Wales will grow), 2 (Shaping Urban Growth and Regeneration – Strategic Placemaking), 3 (Supporting Urban Growth and Regeneration – Public Sector Leadership), 7 (Delivering Affordable Homes), 9 (Resilient Ecological Networks and Green Infrastructure) of Future Wales – The National Plan 2040; the advice contained within the Council's Affordable Housing, Model Design Guide for Wales, Parking Standards, Penarth Conservation Area, Planning Obligations, Residential and Householder Development, Trees, Woodlands, Hedgerows and Development and the Penarth Conservation Area Appraisal and Management Plan Supplementary Planning Guidance as well as national policy and guidance contained within Planning Policy Wales and Technical Advice Notes 2 (Planning and Affordable Housing), 5 (Nature Conservation and Planning), 12 (Design) and 24 (The Historic Environment) it is considered that the development is acceptable in terms of the principle of development, the design and visual impact of the development, including its impact on historic assets, the effect of the development on the living conditions of neighbouring residents and the provision of amenity space, the effect of the development on highway safety, the effect of the development on ecology and biodiversity, whether the proposal makes adequate provision for any additional need for affordable housing and public open space arising from the development and the effect of the proposed development on ground contamination, as well as impact on green infrastructure.

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.

RECOMMENDATION

Subject to the interested person(s) first entering into a Section 106 Legal Agreement to trigger a viability review if the development is not substantially completed within six years of the date of the planning permission.

1. The development shall begin no later than 3 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:

2266-TYP-LP-01 Rev P1 - Site Location Plan
A_2266-TYP-GA-04 Rev P2 - Proposed Basement Floor Plan
A_2266-TYP-GA-05 Rev P3 - Proposed Ground Floor Plan
A_2266-TYP-GA-06 Rev P3 - Proposed First Floor Plan
A_2266-TYP-GA-07 Rev P3 - Proposed Loft Floor Plan
A_2266-TYP-GA-08 Rev P1 - Proposed Roof Plan
A_2266-TYP-GA-24 Rev P2 - Proposed Elevations - Sheet 01
A_2266-TYP-GA-25 Rev P2 - Proposed Elevations - Sheet 02
A_2266-TYP-GA-26 Rev P1 - Presentation Elevations - Sheet 01
A_2266-TYP-GA-27 Rev P1 - Presentation Elevations - Sheet 02
A_2266-TYP-GA-40 Rev P2 - Basement Demolition Plan
A_2266-TYP-GA-41 Rev P2 - Ground Floor Demolition Plan
A_2266-TYP-GA-42 Rev P2 - First Floor Demolition Plan
A_2266-TYP-GA-43 Rev P1 - Roof Demolition Plan
7935_500 Rev 03 - Drainage Strategy Plan
TDA.2878.01(A) - Outline Landscape Proposals
7935 900 R02 Vehicle Tracking - Fire Tender
7935 901 R01 Vehicle Tracking- 7.5T Box Van
AMENDED - 2266-TYP-BP-02 - P2 - Proposed Block Plan
AMENDED - 2266-TYP-SP-02 - P3 - Site Context Demolition Plan
AMENDED - 2266-TYP-SP-03 - P4 - Proposed Site Plan
AMENDED - 2266-TYP-SP-31 - P2 - Proposed Site Sections
AMENDED - 2266-TYP-SP-40 - P3 - Proposed 3-D Visuals - Sheet 01
AMENDED - H_2266-TYP-GA-09 - P2 - Proposed Ground Floor Plan –
Townhouses
AMENDED - H_2266-TYP-GA-10 - P2 - Proposed First Floor Plan - Townhouses
AMENDED - H_2266-TYP-GA-11 - P2 - Proposed Second Floor Plan -
Townhouses
AMENDED - H_2266-TYP-GA-12 - P2 - Proposed Roof Plan - Townhouses
AMENDED - H_2266-TYP-GA-29 - P4 - Proposed Elevations - Sheet 01 -
Townhouses
AMENDED - H_2266-TYP-GA-30 - P4 - Proposed Elevations - Sheet 02 -
Townhouses
AMENDED - H_2266-TYP-GA-31 - P4 - Presentation Elevations - Sheet 01 -
Townhouses
AMENDED - H_2266-TYP-GA-32 - P4 - Presentation Elevations - Sheet 02 -
Townhouses
AMENDED - H_2266-TYP-GA-33 - P4 - Proposed 3D Visuals - Townhouses
Gardenhurst Green Infrastructure Statement
Pre-Development Tree Survey & Constraints

Reason:

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

3. No development shall commence until details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To preserve the special interest of the conservation area and safeguard visual amenity, and to ensure the development accords with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), Policy MD2 (Design of New Development) and MD8 (Historic Environment) of the Local Development Plan.

4. Notwithstanding the submitted plans and details, and prior to their use on site, 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 and thereafter retained at all times.

Reason:

To preserve the special interest of the conservation area and safeguard visual amenity, as required by Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), Policy MD2 (Design of New Development) and MD8 (Historic Environment) of the Local Development Plan.

5. Notwithstanding the submitted plans and details, prior to their use on site full details of:

- Cycle storage
- All entrance gates, including details of the widening of the bin store opening
- All new hardstanding's (including samples)
- All new boundaries (including samples)
- All new railings
- All new Windows
- All new Doors
- All new balcony railings
- All new rainwater goods
- Canopy's (townhouses)

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 being brought into beneficial use and shall thereafter be so retained.

Reason:

To preserve the special interest of the conservation area and safeguard visual amenity, as required by Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), Policy MD2 (Design of New Development) and MD8 (Historic Environment) of the Local Development Plan.

6. Where making good, the materials to be used shall match those used in the existing building / stone wall that exist at the time of this approval.

Reason:

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

7. All rooflights to be used in the development shall be flush fitting "conservation" type.

Reason:

To safeguard local visual amenities, as required by Policies MD2 (Design of New Development), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

8. The landscaping works approved under plan ref: TDA.2878.01(A) - Outline Landscape Proposals shall be carried out in accordance with the approved details during the first planting season immediately following completion of the development.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) MD1 (Location of New Development) & MD2 (Design of New Developments) of the Local Development Plan.

9. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

10. Any part of north facing windows and roof lights contained within the rear elevation of the townhouses and north facing side elevation of Gardenhurst at first floor that are below 1.7m in height above the level of the floor in the room that they serve shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

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

11. The balcony hereby approved to serve apartment 4 shall not be brought into beneficial use until the following requirement has been complied with:

A 1.8m high privacy screen is erected along the north facing side of the balcony, details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Once erected, the privacy screen erected in compliance with the above shall thereafter be retained in perpetuity.

Reason:

In the interests of privacy and to ensure compliance with Policy MD2 (Design of New Development) of the Local Development Plan.

12. No townhouse or apartment shall be occupied until the parking spaces, bin stores and cycle parking have been laid out within the site in accordance with drawing no AMENDED - 2266-TYP-SP-03 - P4 - Proposed Site Plan for 13 vehicles to be parked and those spaces shall thereafter be kept available for such purposes in perpetuity.

Reason:

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

13. Prior to the commencement of development, any site clearance or demolition, a Construction Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The CTMP shall include a scheme detailing provision for onsite parking for construction workers for the duration of the construction period, loading and unloading of plant and materials within the site boundary, measure to control mud and debris entering the highway and ensuring that no materials whatsoever shall be stored on the adjacent highway. The scheme shall be implemented throughout the construction period.

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.

14. Prior to the first beneficial occupation 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 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.

15. Notwithstanding the provisions of schedule 2, Part 1, classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the town house hereby approved shall not be altered in any way, no extensions shall be erected to the building other than those expressly authorised by this permission, and no buildings shall be erected other than those expressly authorised by this permission.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwelling house or within the grounds of Gardenhurst other than those expressly authorised by this permission.

Reason:

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

17. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

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

Reason:

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

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

Reason:

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

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

Reason:

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

21. No development, demolition works or site clearance, shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of the retained trees within the site. The approved scheme shall be carried out during the demolition of the buildings and throughout the construction phase of the development.

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), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

NOTE:

- 1. You should note that the building / site may constitute a breeding or resting place (roost) for bats, both of which are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994) (as amended). This legislation makes it an absolute offence to either damage or destroy a breeding or resting place (roost), to obstruct access to a roost site used by bats for protection and shelter, (whether bats are present at the time or not) or to intentionally or recklessly disturb a bat/bats within a roost. It is recommended that a full bat survey of the building/ site (including trees) be conducted by a licensed bat surveyor to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from Natural Resources Wales on 0300 065 3000 or the Council's Ecology Section on 01446 704855.**
- 2. 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.**
- 3. 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
- 4. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.**

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to Dwr Cymru Welsh Water.

5. The gradient of the proposed vehicular / pedestrian access roads serving the development should not exceed 5% (1 in :20) for the first 10m and thereafter shall not be steeper than 8.33% (1 in 12).

The applicant is required to contact Highway Maintenance team (networkmanagement@valeofglamorgan.gov.uk) prior to carrying out any works on site adjacent to the adopted highway to agree location, specifications and for permission to work within the highway. All associated costs of undertaking the works will be at the applicant's own expense to ensure all works on the adjacent highway will be undertaken in accordance with the Council's standard details for adoption and in the interests of highway safety.

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.

2024/00537/FUL Received on 8 April 2025

APPLICANT: Mr Rhys Llewellyn C/O AGENT

AGENT: Mr David Thomas Temple Court, 13A Cathedral Road, Cardiff, CF11 9HA

Cliff Haven Residential Home, 10 Clive Crescent, Penarth

Conversion to 3 Apartments with side and rear extensions and other alterations. Proposed alterations throughout the site to include the addition of retaining walls and alterations to levels.

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation as it has been called in by a local Member, Cllr Neil Thomas due to the considerable local interest in the application.

EXECUTIVE SUMMARY

The application site is a semi-detached property on Clive Crescent and was formerly a care home but is now vacant. The building is situated above the road level and the rear garden area slopes up towards the rear. The site is located within the settlement boundary identified in the Local Development Plan and is on the edge but situated outside Penarth Conservation Area.

Full planning permission is sought for conversion to 3 Apartments with side and rear extensions and other alterations. In addition, permission is sought for proposed alterations throughout the site to include the addition of retaining walls and alterations to levels.

A number of consultation responses have been received, such as from the Highway Authority, SRS and Welsh Water. A summary of all consultation responses is included below.

Neighbour comments have been received, raising concerns on grounds such as detrimental impact on character and appearance of the property and streetscene, loss of privacy, overdevelopment, overbearing, lack of parking and amenity space and also impacts on noise and green infrastructure (such as trees). Further detail can be found below.

The proposal is considered acceptable in terms of its principle, impact upon the wider visual amenities and neighbouring properties, in addition to impact upon green infrastructure and parking. An assessment of the impacts is included below.

With regard to Planning Obligations, the proposed development does trigger the need for affordable housing contributions. However, a viability assessment has been received and following independent assessment, it is concluded that the scheme is not viable with the sought after contribution. Further detail is included below.

The proposal is considered to be acceptable and the application recommendation is for approval, subject the applicant first entering into a S106 agreement, as outlined in further detail below.

SITE AND CONTEXT

The application site is a Victorian semi-detached property on Clive Crescent and was formerly a care home but is now vacant. A previous planning application on site identified that the 18-bed care home operated up to the early part of 2022 and then closed down.

Number 9, the adjacent semi-detached dwelling, is divided into flats. 11 Clive Crescent, on the other side, is a single dwelling. The wider area is mainly residential in nature.

The building is situated above the road level and the rear garden area slopes up towards the rear. The garden area has a large tree close to the rear of the building and others within the garden area. It benefits from a drive and a parking area to the front of the building. An existing bin store is located off the back of the pavement of Clive Crescent.

In policy terms, the site is located within the settlement boundary identified in the Local Development Plan. It is on the edge but situated outside Penarth Conservation Area.



DESCRIPTION OF DEVELOPMENT

Planning permission is sought for the conversion of the building into 3 Apartments with side and rear extensions and other alterations. In addition, the proposal seeks alterations throughout the site to include the addition of retaining walls and alterations to levels.

The proposed side extension would be approximately 6.4m wide and approximately 14.6m deep at ground floor level, albeit approximately 10.6m deep at first floor level. At the front, the proposed extension would have an eaves height of approximately 4.8m and a ridge height of approximately 8.8m, a set-down of approximately 3m from the ridge height on the main building.

The accommodation will comprise of two No. 6 bed flats within the existing part of the property and one 3 bed flat in the new building extension to the side.

At the rear, there is an existing two storey element which projects from the rear elevation of the dwelling and the proposal includes the addition of a second storey, matching the depth and width of the existing first floor addition and also with a ridge height to match the existing dwelling.

The proposed finishes include facing brickwork for the walls, slate for the roof and hanging slate for the dormer extensions.

An extract of the proposed plans is included below:



Proposed front elevation



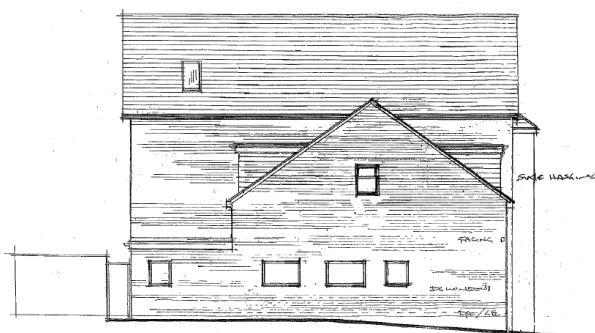
Existing front elevation



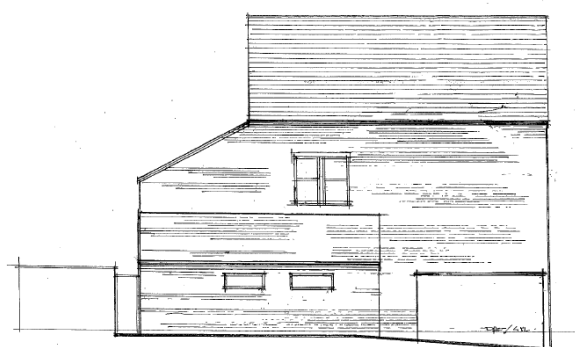
Proposed rear elevation



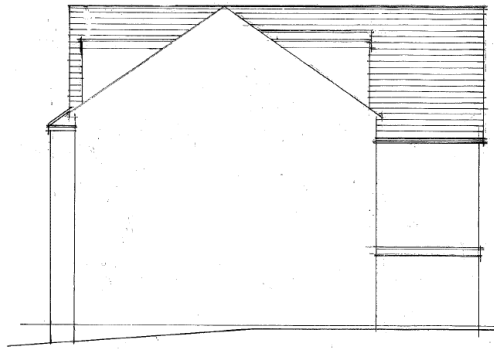
Existing rear elevation



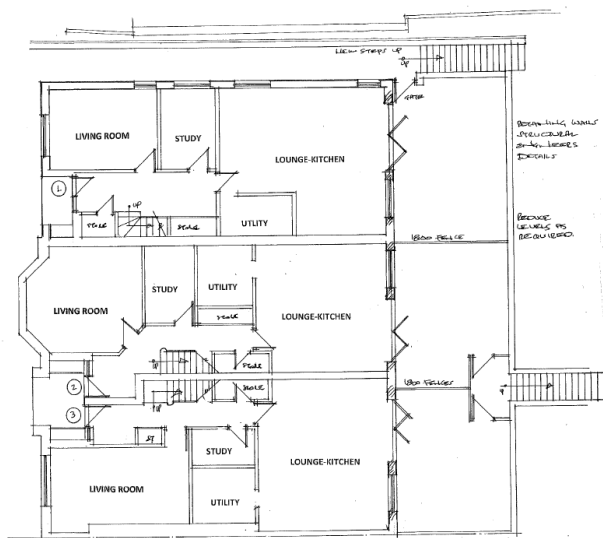
Proposed side elevation



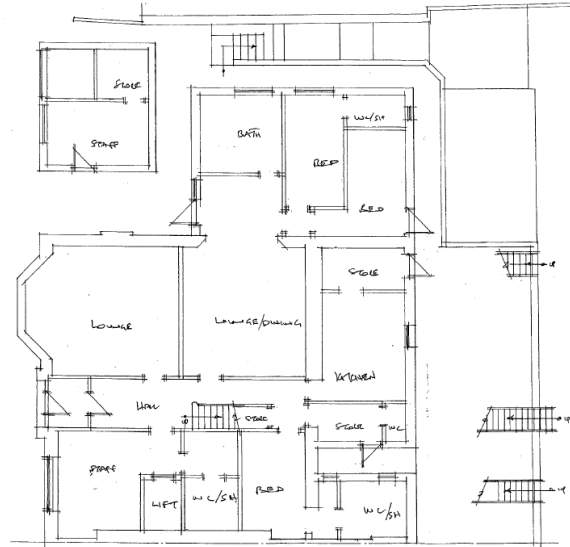
Existing side elevation



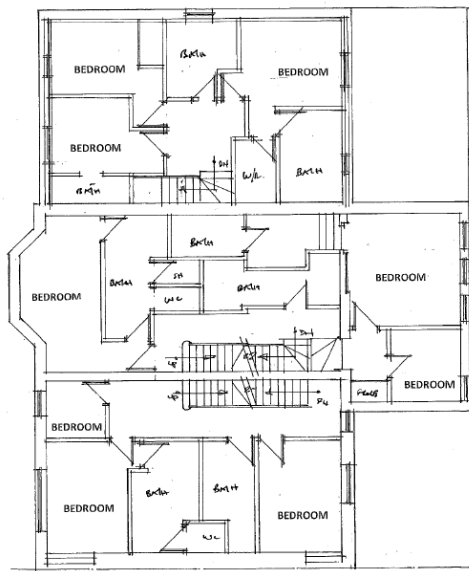
Proposed side elevation



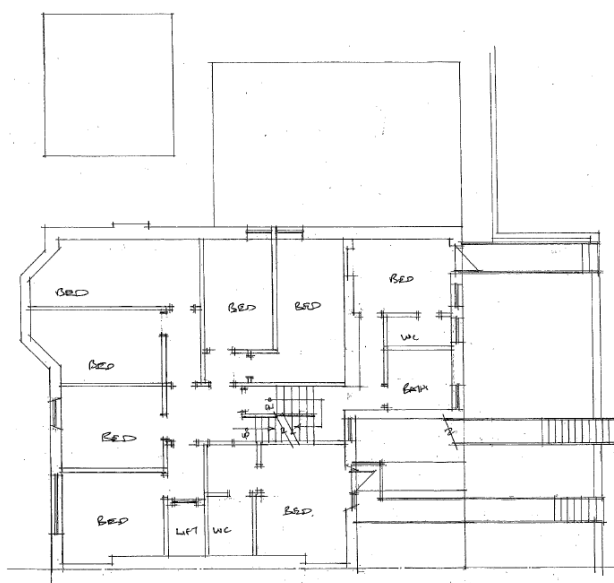
Proposed ground floor elevation



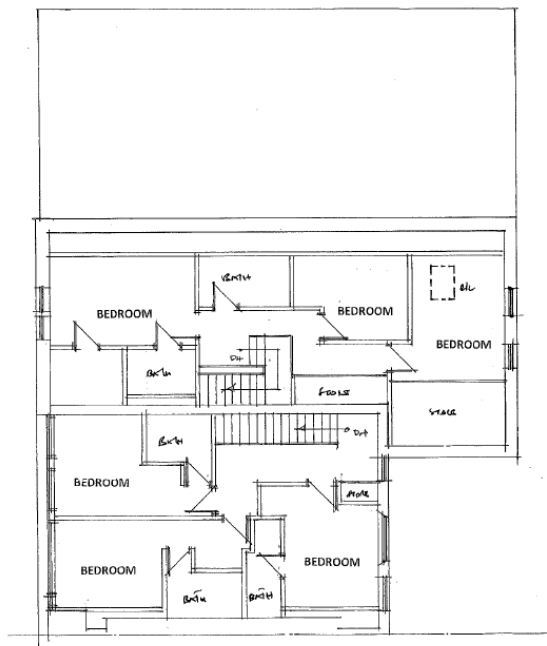
Existing ground floor



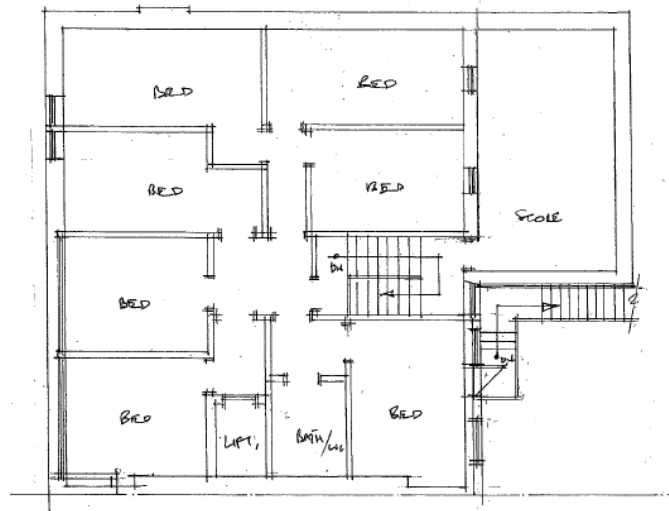
Proposed first floor



Existing first floor



Proposed second floor

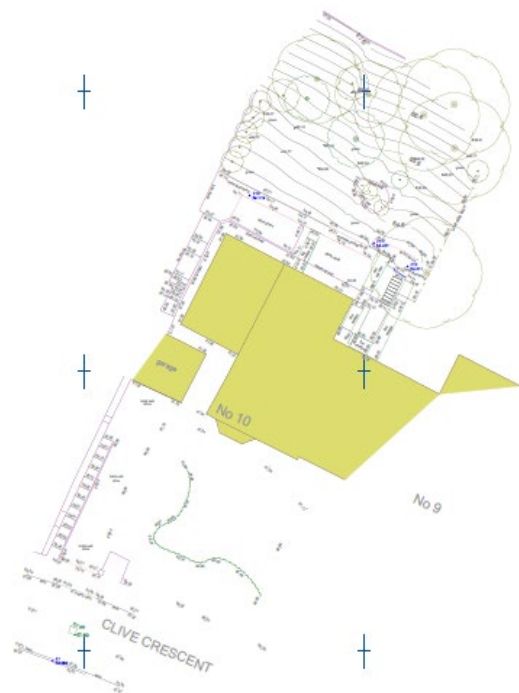


Existing second floor

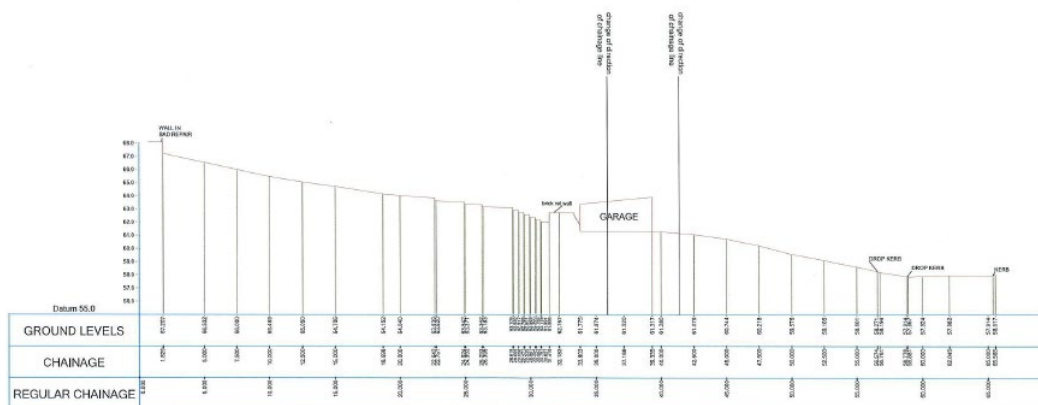
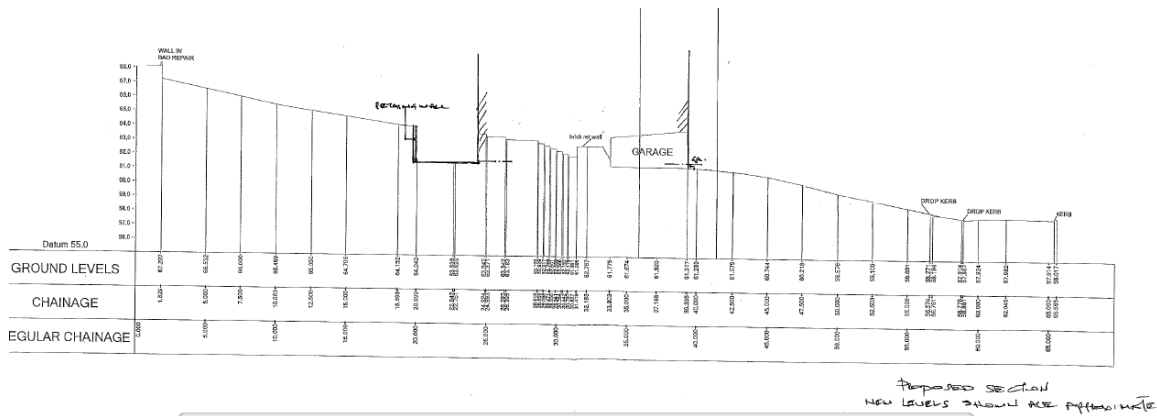
The proposal also includes the addition of a wildflower meadow to the rear and also ground level alterations to provide a ground level area of amenity space directly adjacent to the rear elevation of the building – which would also incorporate retaining walls and steps etc. as indicated in the following site plans and cross section drawings:



Proposed site plan



Existing site plan



PLANNING HISTORY

2022/00931/FUL, Address: Cliff Haven Residential Home, 10 Clive Crescent, Penarth, Proposal: Demolition of the existing single storey side extension, existing detached office and retaining walls and external staircases. Construction of a new single storey side extension at ground floor level and a new single storey rear extension at first floor level. Formation of a new rear terrace at ground floor level with excavations, new retaining walls and extended store. Internal alterations and reconfiguration of existing accommodation with new service lift. Refurbishment and restoration of existing external features. New pitched dormer windows on front elevation to replace existing box dormer. Change of use from existing residential care home (Residential institutions Class C2) to a new Daycare Nursery (Non-residential institutions Class D1)., Decision: Refused and Appeal Dismissed. The application was refused for the following reason:

1. *By reason of the scale of nursery proposed (number of children at any one time), frequency and number of comings and goings, the absence of an enforceable means to control noise emanating from outdoor spaces, and the very close proximity of neighbouring residential properties, the proposed nursery would have an unacceptable impact upon the amenity and living conditions of the nearby residents, and would materially alter the predominant residential character of the area. The proposal is therefore contrary to Policy MD2 (Design of New Development), MD5 (Development within Settlement Boundaries) and MD7 (Environmental Protection) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, guidance set out within the Residential and Householder Development SPG and Technical advice note (TAN) 11: Noise.*

1993/00255/CAC, Address: 10, Clive Crescent, Penarth, Proposal: Erect single storey extension in facing brickwork, slate roof all to match existing, construct dormer roof at main roof level, faced with vertically hung slate to match exist., Decision: Approved

1988/00152/FUL, Address: 10, Clive Crescent, Penarth, Proposal: Installation of external fire escape stairs and internal alterations, Decision: Approved

1987/00889/FUL, Address: 10, Clive Crescent, Penarth, Proposal: Installation of two fire escape stairs, Decision: Approved

1987/00199/LBC, Address: 10, Clive Crescent, Penarth, Proposal: Demolition of bay frontage and third storey front, Decision: Approved

1984/01084/FUL, Address: 9 and 10, Clive Crescent, Penarth, Proposal: Conversion of extension of 2 houses to 10 flats, Decision: Approved

1984/00469/FUL, Address: 10, Clive Crescent, Penarth, Proposal: Old People's Home, Decision: Appeal Allowed

CONSULTATIONS

Penarth Town Council commented 14 January 2025 stating that the suggested recommendation is that the application should be approved.

They commented 6 May 2025 to state that the “suggested recommendation is that the application should be approved provided the Case Officer is satisfied with the viability assessment and lack of affordable housing contribution.”

The **Councils Highway Development** department commented 7 August 2024 to state, in summary, that as the new apartments each have two bedrooms, the maximum standards are 12 parking spaces plus 2 visitor. However, consideration should be given to the location of the site in proximity to Penarth town centre and the accommodation type of apartments rather than houses. They therefore concluded that the level of parking provided on site is acceptable and there is sufficient on street space along Clive Crescent and the surrounding area for any visitors of the site. They also stated that the access arrangement is proposed to remain and that traffic levels to/from the site for the proposed residential use should not be material based on the historic use and therefore no highway safety issues should arise as a result of the redevelopment. However, they requested a proposed site plan to determine dimension of parking bays and also to assess manoeuvring in and out of the bays.

Further comments were received 25 April 2025 to state, in summary, that the maximum parking standards would require 9 spaces plus 1 visitor parking space, a reduction of 4 parking spaces from the previous proposal. Consideration should be given as the site is located in close proximity to the town centre and there is sufficient on street space along Clive Crescent and the surrounding area for any visitors to the site.

The Highway Authority state that the level of parking proposed is considered acceptable and raise no objections.

The Councils **Drainage Section** commented on 18 July 2024 to state that the site is located within DAM Zone A which is not considered to be at risk of fluvial flooding and coastal / tidal flooding. NRW flood maps (TAN 15 2004) indicate that the site is at a very low risk of surface water flooding. An advisory for sustainable drainage is suggested.

They commented further on 11 March 2025 to state that their previous comments are still relevant.

Shared Regulatory Services (Pollution) commented 5 November 2024 in summary to request a condition seeking a Construction Environmental Management Plan (CEMP), which should also state that no burning of waste, or other materials, shall take place on site so to protect residential amenity and prevent nuisance and also a condition relating to operating / construction hours. They also suggest an advisory on asbestos.

Shared Regulatory Services (Contaminated Land, Air & Water Quality department) were consulted who commented 3 July 2024 to request an informative on contamination and unstable land.

They commented further on 7 January 2025 to state that they had no additional comments.

Dwr Cymru Welsh Water commented 16 July 2024 to state that they have no objections but requested an advisory notice. In addition, they stated that a water supply could be made available to serve the proposed development and outlined the requirement for contributing under Sections 40-41 of the Water Industry Act 1991 towards the provision of new off-site and / or on-site water mains and associated infrastructure.

Further comments were received by Dwr Cymru / Welsh Water 2 January 2025 and in summary state that the application appears to rely on existing sewer connections and no new connections are to be made with the public sewerage system. They requested an advisory note.

They commented further on 22 April 2025 in summary to state that the development site is crossed by a combined sewer and that the proposed development would be situated near the sewer, which has a protection zone measured either side of the centreline of 3m. The applicant is advised to contact WW and submit a Declaration of Works. WW have also requested a condition for surface water and an advisory. With regards to water supply, WW have stated that capacity is available but that the applicant would need to apply to them for a connection to the potable water supply system. They also stated that DCWW is not responsible for fire protection or for providing suitable fire flows.

St Augustines Ward Members were consulted and comments were received from **Cllr Thomas**. The comments stated that the site is a prominent, elevated building in the Penarth Conservation Area and any changes must conform with the restrictions that imposes. In addition, they stated that there are significant changes sought to the front of the building and this could impact the street scene. They also stated that they expected a significant s106 consideration to be forthcoming.

On the 19 December 2024, **Cllr Thomas** stated, in summary, that the proposal was dominant in the conservation area and that there didn't appear to be an ecology mitigation statement nor the proposals for some of the trees etc. In addition, they stated that the viability report was disappointing and, in their opinion, makes some assumptions on the value of the proposed dwellings which underestimate the market given the high desirability of that part of the ward.

On the 9 April 2025, **Cllr Thomas**, in summary, stated that the viability statement was pessimistic and that the interest rates are misleading. Moreover he has stated that from the number of letters of objection it is clear that there is considerable local interest in this application which perhaps should be considered by the planning committee if the delegated officer is minded to approve the application as it stands.

Cllr Sivagnanam commented 14 January 2025 to notify that they had been contacted by a neighbour on the proposal and requested an update on the application. Following an update by the Officer, no further comments were received.

The **Council's Housing Strategy (Affordable Housing)** department commented on the initial scheme on 3 July 2024 and 19 December 2024 to request an affordable housing contribution of two units on site and an offsite contribution.

They commented further on 15 April 2025 to state they had no further comments.

Further comments were received 29 April 2025 outlining the need and requesting the provision of 1 affordable unit on site plus a contribution of £19,457.03.

However, an email was received 29 April 2025 stating that based on previous experience, one unit on a small conversion such as this would not attract interest from social landlords and as such, they recommend going forward with a contribution only.

REPRESENTATIONS

The neighbouring properties were consulted on 26 June and 19 December 2024, 9 April and 2 May 2025 and site notices were also displayed on 4 July 2024, 18 December 2024 and 11 April 2025.

To date, objections have been received by the owners and occupiers of 11, Clive Crescent, 5, Clive Crescent, Tor House 4 Penarth Head Lane, 3 Penarth Head Lane, Osborne House (Penarth Ltd) on behalf of the owners of the 7 residential units within 7 Clive Crescent, Dunkerry, 7 Osborne House, 5, Penarth Head Lane and 9 Clive Crescent on behalf of flats 1-5, 9 Clive Crescent.

It should be noted that in some instances, a number of objections have been received by a neighbouring property.

A summary of comments received are included below:

- Principle of residential compatible with residential character of area
- Fails to comply with Building Regulations
- Development would be located between 50-85cm of wall to number 11 which is inadequate
- Concerns regarding loss of sunlight and daylight to property and garden
- Loss of view
- Does not comply with permitted development regulations
- Inappropriate design on historic property
- No objection to previous application for single storey extension
- Errors in application such as reference to existing use as a nursery, states parking is not relevant, no alteration to access and states no trees or hedges on adjacent land that might be important, states not visible, states not a new building
- No justification for a garage and does not comply with affordable housing
- Overdevelopment
- Concerns regarding legality
- Comments regarding scale and design, such as development is ugly, does not blend with street
- Concerns regarding management of garden and its biodiversity
- Comments not on website
- Overlooking, loss of privacy, outlook, overbearing, overshadowing
- Concerns regarding impact to vegetation, trees and impact on root zone of trees
- No tree survey or plan submitted showing trees
- No details on biodiversity enhancement or a survey submitted
- Application fails to state development area is greater than 100sq.m
- Drainage concerns
- No details of secure cycle parking
- Concerns regarding noise – noisy music in garden or open windows and request for a management condition for the flats
- Council in appeal established noise in the garden as an issue due to defined 'quiet area'
- Management condition required for Walnut Tree due to its importance for screening etc.
- Comments regarding inadequate consultation
- Comments regarding number of bedrooms and kitchens per unit / on each floor etc.
- Parking concerns
- Timing for consultation responses over Christmas period unreasonable
- Amended proposals worsen impact on no. 11, Clive Crescent due to higher vertical side wall
- Plans and submitted details are inadequate, no planning statement submitted
- Planners ignoring rules set out by the Vale
- Concerns regarding increased traffic, damage to roads, such as pot holes etc.
- Concerns regarding level of amenity space provision
- Previous application refused on appeal on several grounds
- Does not preserve or enhance the character of area
- Fails to comply with policy, such as PPW, TAN12, LDP, SPG etc.
- Comments regarding avoiding payment of 106, viability and underestimation of the market
- Attempt to maximise amount of residential usage on plot

- 3 terrace houses at odds with surrounding locality
- Comments regarding commencement of works
- Concerns regarding work complying with plans and regulations
- Comments regarding Party Wall agreement
- Appear designed as HMO's for rental market
- Incorrect ownership details

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
 POLICY SP3 – Residential Requirement
 POLICY SP4 – Affordable Housing Provision
 POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
 POLICY MG2 – Housing Allocations
 POLICY MG4 – Affordable Housing

Managing Development Policies:

POLICY MD1 - Location of New Development
 POLICY MD2 - Design of New Development
 POLICY MD3 - Provision for Open Space
 POLICY MD5 - Development within Settlement Boundaries
 POLICY MD7 - Environmental Protection
 POLICY MD8 - Historic Environment
 POLICY MD9 - Promoting Biodiversity

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

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

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

Chapter 5 – The Regions

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

Policy 1 – Where Wales will grow

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

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

Policy 3 – Supporting Urban Growth and Regeneration – Public Sector Leadership

- The public sector must show leadership and apply placemaking principles to support growth and regeneration for the benefit of communities across Wales.

Policy 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

Policy 9 – Resilient Ecological Networks and Green Infrastructure

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12, February 2024) (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
- Previously Developed Land

Chapter 4 - Active and Social Places

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

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 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Affordable Housing (2025)
- Biodiversity and Development (2018)
- Model Design Guide for Wales
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Trees, Woodlands, Hedgerows and Development (2025)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations

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

The key issues are considered to be whether the principle of the use is acceptable, the impacts of the proposal on neighbour amenity, the impact in respect of parking, traffic and highway safety, and the visual impact of the proposed extensions and alterations and the impact on trees and ecology.

Principle of development

The application site is located within a settlement boundary, as defined by the adopted Local Development Plan (LDP). Policy MD5 (Development Within Settlement Boundaries) is of relevance, which states that development within settlements are permitted, provided the proposal complies with policy. An assessment against the relevant policies is made below, however, in principle, the proposed residential development is considered acceptable.

Design and Visual impact

Given the location of the application site within the Penarth settlement boundary, policies MD2 and MD5 are considered of relevance.

Policy MD2 (Design of New Development) states that development proposals should (inter alia):

- 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*

Policy MD5 (Development within Settlement Boundaries) states that new development within settlements will be permitted where the proposed development *is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality* (criterion 3).

Whilst the site is not located within Penarth Conservation Area, it should be noted that it does adjoin it. In respect of the impacts of the extension on the conservation area, Policy MD8 (Historic Environment) of the Local Development Plan requires that within conservation areas, development proposals must preserve or enhance the character or appearance of the area. This is also echoed within policy SP10 (Built and Natural Environment).

The proposed second storey extension extends the existing gable roof to the rear, to align with the existing rear projecting wing and as such would not result in any increase in footprint. The extension to the rear would not be highly visible from within the public realm, albeit glimpses would be provided between properties and the roads to the west and north as well as being visible from neighbouring properties. Whilst it is noted that the proposed ridge height would match the ridge of the existing building, the overall scale and design of this addition is considered acceptable and would not result in an incongruous addition to the building.

With regards to the side extension, initially the proposal sought a taller extension with a large opening for the parking. Concerns were raised by the case officer with regards to the overall scale and design and an amended proposal was received, which lowered the eaves and ridge height and also incorporated a flat roof dormer at the front and rear. Whilst it is noted that neighbours have objected to the overall design and visual impact of the proposed addition, it is considered that the overall scale and proportions of the side extension are suitably subservient when viewed in relation to the host building and as such, would not appear as unduly incongruous within the streetscene. In addition, given the scale of the proposal, it is considered that it would not detrimentally impact upon the balance of the semi-detached pair. Whilst dormer extensions are not always considered suitable at the front of properties, the existing building already has one within its roof and as such, the addition in this instance of a similarly scaled dormer on this lower roof of the extension would not be out of context.

The proposed ground level alterations to the rear to provide a level area of amenity space directly with retaining walls and steps would not have any material impact when viewed from outside of the site.

The proposed plans indicate facing blockwork, slate roof and hanging slate for the dormer extensions. These materials are considered acceptable in principle and would relate well with the host building, however, a condition is recommended to secure further details of proposed materials prior to their use (**Condition 3 refers**).

Taking the above into consideration, the proposed development would be visible within the street, however, the scale and design is considered acceptable and as such, the proposal would not detrimentally impact upon the character of the property, the balance of the semi-detached pair, the streetscene or the setting of the conservation area. The proposals are therefore considered to comply with policies MD2 (criterion 1 and 2) and MD5 (criterion 3), in addition to MD8 (Historic Environment) and SP10 (Built and Natural Environment) of the Council's LDP.

It should be noted that the proposed site plans indicate retaining walls and no further detail has been provided on height or appearance. As such, a condition is recommended to seek further detail of the retaining walls prior to their erection to ensure they are of an acceptable appearance (**condition 6 refers**).

Impacts on Neighbour Amenity

Criterion 8 of Policy MD2 (Design of New Development) requires new development should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

Criterion 6 of Policy MD5 (Development within Settlement Boundaries) requires new development has no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking.

Criterion 4 of Policy MD7 (Environmental Protection) requires development demonstrate it will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from noise.

The application property shares a boundary with no. 11 and 9, Clive Crescent to the sides and 53, Clive Place, Salterton and Budleigh on Penarth Head Lane to the rear.

No. 11 Clive Crescent

No. 11, Clive Crescent a detached dwelling is located to the west of the application property and has a single storey addition adjacent to the boundary with rooflights / lanterns. The application property has a single storey addition on the side and as such, the addition of a two storey extension of a larger scale and closer to the boundary would alter the outlook for this neighbour. This neighbour has raised concern with regards to a detrimental impact on their property and garden. The proposed extension would be located approximately 1.5m away from the shared boundary of this neighbour. With regards to the ground floor addition, given its ground floor nature, this is not considered to detrimentally impact upon this neighbour.

Moving to the first floor addition, as aforementioned, the initial scheme proposed a taller extension to the side, which did raise concern with the Officer in terms of neighbouring impact. However, the current proposal represents a reduction in scale and it should also be noted that the overall depth of this element is subservient in comparison to the depth of the host building. Whilst it is considered that the proposed extension would alter the outlook for this neighbour, it is considered that the reduction in scale has addressed Officer concerns and as such, the proposed extension, given its depth and distance to the boundary, would not result in an unacceptable overbearing impact to this neighbour.

It is noted that this neighbour has roof lanterns on an existing ground floor element, in addition to windows at ground floor and first floor level on the side elevation. Whilst the proposed extensions are located to the east / south-east, given the height of the eaves and the distance to the boundary, it is considered that the proposed extension would not result in an unacceptable degree of overshadowing. Whilst the neighbour has raised concern with regards to a loss of light, the roof lanterns and side windows currently rely, largely, on borrowed light and notwithstanding this, the proposals would not unacceptably impact upon the light for these windows. It is also noted that one of the first floor windows on the side elevation of the neighbouring property serves a bedroom, a habitable room, however, this is located approximately 2.5m away from the boundary, resulting in a distance of approximately 3.9-4m between the proposed extension and this window, which is considered a sufficient distance to ensure no detrimental impact.

The proposed rear dormer bedroom window on the extension would offer views towards this neighbour, however, given its set-back from the rear elevation and the presence of a single storey addition on the neighbour's property, any views would not be considered un-neighbourly. Notwithstanding this, such views are considered commonplace in residential settings. A first floor side elevation window is proposed on the extension, however, this serves a bathroom and as such, is likely to be obscurely glazed. However, in order to ensure privacy for the neighbour's side elevation windows, a condition will be added to ensure this is obscurely glazed and non-opening up to 1.7m in the room it serves **(condition 4 refers)**. It should be noted that at present there is a bedroom window facing this neighbour (albeit located further away from the boundary) and as such, on the whole, the proposal is considered to improve privacy for this neighbour.

The proposed development includes the addition of a rooflight, serving the second floor bedroom, a habitable room. Given that the proposed window would be positioned approximately 7-8m away from the shared boundary, it could offer direct views towards this neighbour. Therefore, a condition is recommended that states this window is obscurely glazed and non-opening up to 1.7m in the room it serves in order to secure privacy for number 11 (**condition 5 refers**).

The proposed rear extension would be located approximately 7-8m away from the boundary with this neighbour, which is considered to be a sufficient distance to ensure no harmful overbearing impact.

No. 9 Clive Crescent

No. 9, Clive Crescent is located to the east of the application property and forms the other half of the semi-detached pair and comprises of five flats. Given the position of the side extension in relation to these neighbours, it is considered that this element would not detrimentally impact upon this neighbour. Whilst the rear extension would be visible to these neighbours, it would be located approximately 5-5.4m away from the shared boundary, which is considered a sufficient distance to ensure no harmful overbearing impact.

With regards to overlooking, given the previous use of the property, many of the windows adjacent to the boundary historically served habitable rooms, albeit used in a care capacity as opposed to a householder capacity. Nonetheless, they still served rooms that were habitable. The proposed use of windows would largely be similar to the pre-existing use and as such, the proposed development is not considered to result in an unacceptable level of overlooking. It is noted that the first floor windows within the rear projecting gable would alter from bathroom / wc to bedrooms, however, given its distance to the boundary, the proposed views offered would not be un-neighbourly.

Notwithstanding this, the LPA considers bathrooms as habitable rooms and as such, the proposal and existing scenario both relate to habitable rooms. It is also noted that there are no proposed side elevation windows on the proposed rear extension and as such, no direct overlooking would be offered. As such, the proposal would not result in a detrimental overlooking impact towards this neighbour.

Penarth Head Lane and Clive Place

With regards to the neighbours located to the rear, the proposed rear extension would be located approximately 20-21m away from the shared boundary of Salterton and Budleigh. Whilst neighbour comments have been considered, the proposed development is located a sufficient distance away from the boundaries to ensure no detrimental overbearing or overlooking impacts to these neighbours. In addition, these distances accord with the guidance in the Council's Residential and Householder Development SPG.

In addition, the proposed rear extension would be located approximately 16m away from the boundary of 53, Clive Place and given the distance, in addition to the orientation of the proposal in relation to this neighbour, it is considered that there would be no detrimental impact.

Other neighbour impacts

The proposed extensions would be visible to those neighbours located opposite. However, it is considered that they are located a sufficient distance from neighbours located opposite to ensure no harmful impact.

Whilst it is noted that the outlook would be altered for neighbours, given the scale of the additions, in addition to distances to boundaries, the proposals would not result in an un-neighbourly impact to outlook.

The proposals also include the alterations to levels, to the side and the rear of the property, given that there are significant variations in level throughout the site. The proposed addition of steps along the north-west boundary would replace an existing steps, albeit their position would be different. It is noted that the garden and patio are positioned at a significantly higher position than the ground floor and as such, they already offer views towards neighbours. The proposed steps are therefore not considered to result in any unreasonable additional views over and above those offered by the existing property / garden. Steps are also proposed within the site leading from the lower patio areas to the higher area of rear communal garden. However, given its position and scale, it is considered that the structure itself or its use would not result in any unreasonable impacts in terms of being overbearing or overlooking.

Neighbour letters have referred to a lack of compliance with Welsh Government regulations on permitted development. However, permitted development relates to development that can be carried out without planning permission. The guidance does not impose restrictions on other development, it simply means that any development that does not meet those requirements needs planning permission. As such, comments relating to such guidance are not considered of relevance.

Neighbour comments relate to a loss of view and whilst these comments are noted, loss / impact on view is not a material planning consideration.

Comments have also been received with regards to unacceptable noise levels and requests made for conditions relating to management and noise management. Whilst it is noted that a previous application was refused and dismissed at planning appeal due to unacceptable noise, the application proposed a change of use to a nursery and as such, is considered materially different to the current proposal for three flats. The proposed use is residential in nature and located within a residential area where some other buildings have also been converted for flats. As such, it is considered that the proposed use would not result in any unreasonable noise levels and given the residential nature of the proposals, such noises would not be out of place within this setting. A condition for noise management is therefore considered unreasonable.

It is also noted that neighbour objections have referred to an impact on the designated 'Quiet Area' of Penarth Head Lane, however, the Inspector in their decision on the refused nursery scheme stated the following:

13. To the east of the appeal site lies the Welsh Government's designated Quiet Area of Penarth Head Lane. However, given its distance from the appeal site and the intervening properties, the proposal would be unlikely to significantly harm the tranquillity of this designated quiet area.

Taking this into consideration, given the referenced distance, the proposal would not impact upon this designation. Notwithstanding this, it is considered, as aforementioned, that the overall nature of the scheme is materially different to the refused scheme.

With regards to noise from construction, the Council's SRS department for pollution have requested a CEMP condition and a restriction on operating hours. CEMP conditions are often imposed to control impacts such as noise and dust etc, during the construction phase of development. In this instance, it is noted that the activities which are likely to cause most disruption by way of dust (i.e. the demolition) has already taken place, along with some excavation works. The planning enforcement team are currently investigating these works and as such, that will not be explored in this instance. Whilst the undertaking of these works is regrettable, given that the property is not located in a conservation area, the demolition would not require any form of planning consent, albeit the excavations do need planning permission. On balance, given that the majority of the dusty works have already been carried out, a CEMP will not be imposed in this instance. However, a condition restricting hours of construction / deliveries are considered necessary (**condition 7 refers**), in addition to a condition to restrict burning (**condition 8 refers**).

Impact on future occupants

The proposed units are all considered of an acceptable size and each have an acceptable outlook. Whilst it is noted that some bedrooms are small in scale, the Authority currently has no standards for room sizes and as such, a refusal on this basis would be unreasonable. Notwithstanding this, the small rooms would be located within a unit of an acceptable scale noting the number of bedrooms proposed and as such, would not detrimentally impact upon future occupants' wellbeing.

In terms of amenity space, the SPG requires 20 sq m of amenity space per person and states that typically, a one or two bedroom flat would have 2 persons. However, in this instance, all three flats have 3 bedrooms or more. The standards state that a 3+ bedroom property would typically have 4 persons and as such, it is considered reasonable to apply the same standard in this instance.

240 sq.m of amenity space is required. In this instance, there are private amenity spaces for each of the flats, which would be directly accessed from the rear of the properties, measuring between approximately 25 and 30sq.m. In addition, a large communal area is proposed to the rear, which can be accessed by all three units, measuring approximately 338sq.m. The SPG recognises that communal areas are acceptable, provided these are "directly accessible for all occupiers". The proposed amenity space, in terms of scale and location is therefore considered acceptable and complies with the aims of the SPG, thus ensuring a high quality of wellbeing for future occupants.

Whilst it is noted that the direct amenity space for the ground floor occupants can be overlooked, given the nature of the use, this is not considered unreasonable.

Parking and Highway Safety

The proposal seeks to utilise an existing access from the highway and proposes four no. parking spaces on the driveway. The Council's Parking Standards SPG sets a maximum parking requirement of one parking space per bedroom, with a maximum of three parking spaces per unit. In this instance the standards require no more than 9 parking spaces, plus 1 visitor parking space. Whilst the proposal represents a shortfall, the standards are maximum and the SPG allows consideration for a reduction in parking in instances where the site is positioned in a sustainable location. In this instance, the application site is located in proximity to Penarth centre and it is also noted that there is parking on street. The proposed parking provision of four off street spaces is therefore considered acceptable and sufficient to serve the needs of the property as extended / converted.

Based on the number of bedrooms proposed, the cycle parking provision would equate to three cycle stands, which would be secured by condition (**condition 11 refers**)

Green Infrastructure

On 18 October 2023, Welsh Government announced changes to Planning Policy Wales (PPW) by way of a Dear CPO letter entitled 'Addressing the nature emergency through the planning system: update to Chapter 6 of Planning Policy Wales'. The main policy changes which are of relevance relate to green infrastructure, net benefit for biodiversity and the protection afforded to trees.

It is noted that the works are largely proposed on existing areas of hardstanding, however the GI statement does state that approximately 40m² of grassland would be lost as a result of the proposal.

The proposals include the incorporation of a wildflower planting area to the rear of the garden, including a variety of plants such as common knapweed, common eyebright, yellow rattle etc. Whilst it is noted that greenspace is to be lost, given the nature of the proposals, in addition to the incorporation of a wildflower planting area, the proposed development is considered acceptable in terms of its impact on green infrastructure.

It is noted that planters are proposed within the rear gardens, to include species such as English lavender etc. Whilst these are welcomed, it is difficult to condition the retention and management of planters, due to their moveable nature and as such, these will not be conditioned.

The Green Infrastructure Statement in appendix 1 provides a proposed site plan, however, it is noted that this is an out of date plan, including alterations at the front of the property which are no longer part of the proposal. Therefore, whilst the GI statement is recommended as part of the approved documents condition, it is with the exception of this plan. It is noted that the proposed topographical site plan also includes the location of planting and as such, this will be incorporated into the condition for ensuring the planting is provided (**condition 10 refers**).

Trees

Neighbour comments have referred to concerns with regards to the impact of the proposed development on the Walnut tree in the rear garden of the application property. It is noted that there are some works in proximity to the tree, however, the following is noted from the previous Officer's report for the refused nursery application:

"The property is not within the conservation area and the tree does not benefit from the protection of this status. Whilst this is the case the tree can only be seen from limited views from the surrounding public views. A tree report by Treescene Arboricultural Consultants details the tree as being a mature tree of fair condition with good form and well-balanced crown. It assesses as being of moderate quality with a life expectancy between 20-40 years. Carrying out a TEMPO assessment of the tree it would not be suitable for a Tree Preservation Order."

Taking this into consideration, given the unprotected nature of the tree, it is noted that this could be removed outside of the application process without consent although the impacts to trees and green infrastructure need to be considered as part of the planning application process, in line with PPW12. In this instance, even if the tree were highly visible and located in a conservation area, a TPO would not be defensible. As such, a refusal on the impact on this tree would be considered unreasonable. Notwithstanding this, the level of works in proximity to the tree are not considered of a scale to unacceptably impact the root protection area of the tree and it should be noted that a large proportion of this work (excavation) has already started (albeit without consent).

Biodiversity enhancement

Policy MD9 'Promoting Biodiversity' of the Adopted LDP requires new development to conserve and where appropriate, enhance biodiversity interests unless it can demonstrate that:

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

Para. 6.4.5 of Planning Policy Wales (Edition 12, 2024) 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....."

The proposal includes the provision of wildflower planting, which is considered an appropriate and proportionate biodiversity enhancement measure for this proposal, the implementation of which shall be secured by condition (**condition 10 refers**).

Drainage

The neighbouring properties have referred to concerns on drainage, however, it should be noted that the Council's drainage team have not raised an objection. Notwithstanding this, the proposal triggers the need for SAB approval and as such, this will be addressed as part of a future application with the Council's drainage team.

Other issues

An objection has been raised with regard to some properties not being notified. Letters were sent out to properties immediately adjacent the application site and a site notice was displayed. It is considered this is a suitable level of advertisement and in accordance with article 12 of 'The Town and Country Planning (Development Management Procedure) (Wales) Order 2012'.

Neighbour comments have referred to concern regarding damage to pavements and roads and as these are adopted highway, this is considered to be a matter for the Highways Authority.

Welsh Water / Dwr Cymru commented on their most recent consultation response to state that the development site is crossed by a combined sewer and that there is a protection zone for this sewer. They have advised the applicant to contact WW and submit a declaration of works and as such, this is recommended as an informative (**informative 2 refers**). WW have also requested a condition for surface water (**condition 9 refers**) and an advisory (**informative 2 refers**). With regards to water supply, WW have stated that capacity is available but that the applicant would need to apply to them for a connection to the potable water supply system and as such, a further informative is recommended (**informative 13 refers**) to inform of this requirement.

The Council's Contaminated Land, Air & Water Quality Team have requested an informative on contamination and unstable land (**informative 5 refers**).

Neighbour comments have stated that the submitted information is inadequate, however, it is considered that the submitted documents and plans are sufficient to describe the proposed development. Comments have also referred to references to a nursery – however, the application form states that the previous use was as a nursing home. In addition, comments state inaccuracies in terms of stating that parking is not relevant or that the property is not visible and whilst these are noted, issues relating to parking and the impact of the property on the streetscene have been considered by the LPA.

Comments have been received in relation to the Party Wall Act and it should be noted that this is a legal matter and as such is not a material planning consideration.

Neighbour comments have raised concern with regards to compliance with the plans and regulations and it should be noted that a condition is imposed to ensure compliance with the approved documents (**condition 2 refers**). The onus is on the applicant to ensure they comply with all other regulations such as Building Regulations etc.

Planning Obligations

LDP Policy MD4 'Community Infrastructure and Planning Obligations' and the Council's SPG on Planning Obligations, sets out the policy framework for seeking new and improved infrastructure, facilities and services appropriate to the scale, type and location of proposed new development. In particular, the SPG on Planning Obligations sets out thresholds and formulas for each type of obligation, based upon different development types. Following consideration of the size of the development and the potential impacts and needs arising from the developments, the Council sought planning obligations for the following:

- Affordable Housing; (Off-Site Contribution of £116,322)

The Council's Affordable Housing and Planning Obligations Supplementary Planning Guidance (SPGs) provides the local policy basis for seeking affordable housing and planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought and indicates how they may be calculated.

Affordable Housing

There is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2023 Local Housing Market Assessment (LHMA) which determined that 1075 additional affordable housing units were required each year to meet housing need in the area.

The need is further evidenced by the following figures from the Council's Homes4U waiting list in the area in the St Augustines Ward of Penarth:

ST AUGUSTINES	
1 bed	144
2 bed	44
3 bed	21
4 bed	4
5 bed	1
	214

The adopted Affordable Housing SPG sets out how affordable housing is calculated. The proposed development is within Penarth and as such 40% affordable housing would be requested on residential developments with a net gain of 1 or more.

The proposal seeks to convert and extend an existing building to three residential units and in line with policy, the Council's Housing team initially sought one affordable unit on site, plus a contribution which can be calculated as AHC (0.58) x 0.2 of the ACG of the unit type most in need i.e. a 2 person 1 bedroom unit at £162,733. The financial contribution would therefore be £19,457.03.

However, following receipt of these comments, additional comments were received stating that based on previous experience, one unit on a small conversion scheme such as this would not attract any interest from social landlords. As such, the Housing Officer recommend going forward with a contribution only. In light of this and in line with the current SPG, an offsite contribution of AHC (0.58) X 1.2 of the ACG of the unit type most in need i.e. a 2 person 1 bedroom unit at £167,127 was sought, resulting in a total contribution figure of £116,322.

It should be noted that the ACG figures were recently increased for the unit most in need, in this instance from £162,733 (as referenced by the Housing Officer) to £167,127 and as such, it is this figure that the Authority have used to finalise the total contribution.

Development Viability

Welsh Government advice contained in "Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update" (2009) makes it clear that development viability is a material consideration in determining planning applications.

Para 4.2.22 of PPW states that *“Where up-to-date development plan policies have set out the community benefits expected from development, planning applications which comply with them should be assumed to be viable and it should not be necessary for viability issues to be considered further. It is for either the applicant or the planning authority to demonstrate that particular exceptional circumstances justify the need for a viability assessment at the application stage.”*

LDP Policy MD4 recognises that regard should be given to development viability, and supporting paragraphs 7.29-7.30 advise as follows:

“7.29 Where a developer contends that the Section 106 requirements are too onerous... and will potentially make the scheme unviable, they will be expected to submit a breakdown of the development costs and anticipated profits based on properly sourced evidence. Developers must take account of the necessary planning obligation requirements at an early stage to ensure these are reflected in the land value assumptions. The Council may seek independent verification of these details before considering whether to reduce the number and / or value of planning obligations sought.

7.30 The Council accepts that it may not always be possible for developers to satisfy all the planning obligation requirements. Where this is proven to be the case, the Council will need to consider what the planning obligation priorities will be for that particular development, having regard to the site location and the local needs in the vicinity. This will be considered on a site by site basis having regard to the statutory tests. The Welsh Government has advised that, in such circumstances, affordable housing should be the priority once sufficient infrastructure to enable the scheme to proceed has been made available”.

The viability of the scheme has been considered on the basis of an entirely off-site financial contribution, as it was confirmed that from experience, no Registered Social Landlords would be willing manage any units provided on site. As aforementioned, the requested off-site contribution totalled £116,322.

In this instance, the agent advised that the scheme would not be viable if the requested financial contribution was provided, which was detailed within a Viability Assessment undertaken by CTD Consult. An independent viability review was then undertaken by the Valuation Office Agency (VOA) following instruction by the Council to appraise the viability assessment submitted by the applicant, in order to provide an impartial view on its accuracy.

In respect of GDV (Gross Development Value), the applicant's advisor has adopted a GDV of £1,876,00. In their assessment, the VOA have reviewed the proposed Market Values of the unrestricted, private dwellings, based on RICS guidance on comparable evidence. This suggests that in consideration of comparable properties to help guide them on adopted values they should always firstly seek sales values from as close as proximity as possible to a development.

The VOA have undertaken research based on open market transactions and considered sales information for current and forthcoming schemes and the prices of properties in the location. They have also considered the market values proposed of each property type. In concluding on market value, the VOA state that the individual market values proposed by the applicant's surveyor are suitable to determine the viability of the scheme. The VOA have stated that their GDV for a policy compliant appraisal with no on site affordable units is £1,876,000.

In respect of Development Costs, it is noted that the VOA agree to the applicant's costs on build costs, external works, abnormal, contingency, professional fees. However, they are not in agreement with the costs provided on financial contributions to planning policy (outlined above as the sought 106 contribution, which was given a nil figure), disposal fees, finance and land acquisition. Of those not agreed, the following is summarised:

- Planning policy – this is noted above as the sought after 106 contribution.
- Disposal fees – a figure of £925 has been provided in the viability report, however, the VOA have stated that a figure of £600 is typical for a development of this nature.
- Finance – a figure of 7.5% has been provided in the viability report, however, this has been reduced to 7% by the VOA based on the current economic conditions.
- Land acquisition – stated as SDLT in the viability report, however, the VOA state that this should be 1.25% for agent and legal fees plus stamp duty at the prevailing rate.

In respect of developer's profit, the applicant has provided a figure of 15%. According to RICS standards, a reasonable developer's profit margin typically ranges from 15% and 20% of the Gross Development Value (GDV) for market housing. Therefore, the VOA have concluded that a 15% profit is considered appropriate for a scheme of this nature.

In respect of Benchmark Land Value (BLV) the applicant's surveyor has adopted a BLV of £950,000 which is based on the purchase price. In forming their conclusion on BLV, the VOA have followed the five-step process as outlined in section 5.7 of the RICS Professional Standard. These steps, and their conclusions are outlined below

1. Existing Use Value (EUV) – a value to undertake the EUV. The applicant's EUV is £950,000 based on the purchase price. However, EUV is based on use of the vacant residential care home and as such, has been approached by a comparable method of valuation. To conclude on EUV, the VOA has stated that they are of the opinion that a rate of £35,000 per room for the subject is not unreasonable for a former care home located in Penarth which is no longer operational. This returns a value of £630,000.

2. Alternative Use Value (AUV) – An AUV is not considered applicable in this case as there are no extant permissions or allocations in the local plan and as such, the VOA have not formed an opinion of the AUV.

3. Cross Sector Collaboration Evidence of BLV and Premium – step 3 is to assess a premium above EUV based on the evidence set out in PPG. In this instance, the VOA have concluded that the property is in a dilapidated state of repair and it would cost the landowner to bring the subject into a reasonable state of repair. The VOA have therefore stated that it is not unreasonable to assume there is no demand for the existing use and have therefore adopted a nil premium.

4. Residual Land Value (RLV) – step four is to determine the residual value of the site or typology, assuming actual or emerging policy requirements and this can then be cross checked against the EUV. The RLV in this instance is calculated at £48,939 with full policy requirements. This is lower than EUV.

5. Adjusted Land Transaction Evidence – due to the difficult nature of analysing comparable on a like for like basis, market transactions have not been considered by VOA.

With regards to purchase price, the VOA state that “the PPG on viability encourages the reporting of the purchase price to improve transparency and accountability, however it discourages the use of a purchase price as a barrier to viability, stating *the price paid for land is not a relevant justification for failing to accord with relevant policies in the plan. And under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan (pa. 9.7).*” In this instance, adopting the purchase price provided of £950,000 would not enable full policy delivery and as such, this has been discarded for the purpose of the assessment by VOA.

Using the RICS five steps process, the VOA are of the opinion that the applicant’s Benchmark Land Value (BLV) of £950,000 is not reasonable and have instead considered a BLV of £630,000 as appropriate. This comprises an EUV of £630,000 and a nil premium.

In appraising the full policy scheme, including the inputs of the off site contribution of £116,322 and adopting a fixed profit of 15% GDV and the outputs of the Residual Land Value (RLV), which is compared to the Benchmark Land Value (BLV) of £630,000 to determine the viability of the scheme the DVS full policy appraisal generates a residual land value of £48,939 which is below the BLV of £630,000. To conclude, the VOA state that a scheme fully compliant is unviable.

The VOA have also appraised the scheme for zero policy (i.e. not contributing to 106 payments) and have concluded that this would generate a residual land value of £163,162, which is below the BLV of £630,000 and as such, the VOA conclude that the scheme cannot support any S106 policy requirements.

Notwithstanding this, in circumstances whereby viability demonstrates that a scheme cannot provide for any or only part of a financial contribution, the viability assessment undertaken is time sensitive. Markets can change and schemes that were previously unviable can become more profitable to provide further contributions. That being the case, national guidance states that reduced commencement periods are appropriate and a limited time for the implementation of the consent is recommended.

However, for such a review mechanism to work, Welsh Government guidance advises that there should be a very clear and binding definition of what amount of development needs to have been undertaken for the requirements of the permission to have been met.

Following consideration of the scheme and the likely timescale for construction and the scope of the works for the extension and conversion, it is considered that the authority would require the development to be substantially completed within 2 years of the commencement of development. This would be secured through a section 106 agreement and it should be noted that the applicant has agreed to enter into such an agreement.

In the event that the apartments are not substantially completed on the trigger date, the owner/developer would be required to submit a viability appraisal to the Council within 20 working days of the trigger date and pay the Council's costs in having the viability re-appraised independently assessed by the District Valuer.

In the event that on review of the Viability Appraisal submitted it is concluded that the development is able to support payment of some or all of the planning obligations then the owner/developer would be required to enter into a section 106 agreement with the Council to satisfy the planning obligations deemed necessary by the Council to mitigate the impact of the development in planning terms.

Having considered the above, and in light of the advice published by Welsh Government, LDP Policy MD4 and the SPG on Affordable Housing, the Council consider that the absence of any planning obligations is only accepted in view of the development viability issues balanced against the desirability of bringing a building back into beneficial use.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 – Delivering the strategy, SP3 – Residential Requirement, SP4 – Affordable Housing Provision, SP10 – Built and Natural Environment, MG1 – Housing Supply in the Vale of Glamorgan, MG2 – Housing Allocations, MG4 – Affordable Housing, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD5 - Development within Settlement Boundaries, MD7 - Environmental Protection, MD8 - Historic Environment and MD9 - Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011- 2026, and the advice contained within the Council's Supplementary Planning Guidance on Affordable Housing (2025), Biodiversity and Development (2018), Model Design Guide for Wales, Parking Standards (2019), Planning Obligations (2018), Residential and Householder Development (2018), Sustainable Development - A Developer's Guide and Trees, Woodlands, Hedgerows and Development (2025), Future Wales: The National Plan 2040, Planning Policy Wales 12th Edition (2024), and Technical Advice Note 12- Design (2016), the development is considered acceptable in terms of its principle, scale, design and visual impact, as well as its impact on neighbours, amenity space, parking provision and biodiversity enhancement provision.

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.

RECOMMENDATION

Subject to the interested person(s) first entering into a Section 106 Legal Agreement to trigger a viability review if the development is not substantially completed within two years of the date of the planning permission.

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:

CAX3/1 Site location plan & Existing Photos received 11 June 2024

Proposed Section received 18 September 2024

Green Infrastructure Statement received 18 October 2024, except for the proposed landscaping plan, appendix 1

22042 Topographical survey received 31 October 2024

CAX3/5 rev d Ground floor proposed

CAX3/5 rev f First floor proposed

CAX3/5 rev h Second floor proposed

CAX3/8 rev e Front elevation proposed

CAX3/9 rev e Rear elevation proposed

CAX3/10 rev e Side elevation proposed

CAX3/11 Eastern side elevation proposed

Received 5 February 2025

Development Viability, dated March 2025 and received 4 March 2025

22042_L_2 Topographical Survey and layout received 8 April 2025

Reason:

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

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

Reason:

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

4. Any part of the first floor, side elevation bathroom window facing no. 11 Clive Crescent that is below 1.7m in height above the level of the floor in the room that it serves shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

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

5. The rooflight window on the second floor facing number 11, Clive Crescent shall be non-opening and fitted with obscure glazing to a minimum of level 3 of the "Pilkington" scale of obscuration at the time of installation of the window and shall be retained as such at all times.

Reason:

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

6. Notwithstanding the submitted details, all retaining structures associated with the development shall be completed in accordance with design and finishing details which shall be submitted to and agreed in writing by the Local Planning Authority prior to their construction. The retaining walls shall be completed in accordance with the approved details prior to the first beneficial use of the development hereby approved.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policy MD2 (Design of New Development) of the Local Development Plan.

7. No development, including deliveries, shall take place outside the following hours:

Monday – Friday 8:00 until 18:00

Saturday 8:00 until 13:00

With no Sunday or Bank Holiday working

Should there be a requirement to undertake foundation or other piling or drilling on site to accommodate on site surface water drainage or other works, these operations are restricted to the following hours:

Monday – Friday 8:30 until 17:30

Saturday and Sunday Nil

During construction, there shall be no use of security lighting outside the above hours.

Reason:

To protect the amenities of neighbouring occupiers and to comply with policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the adopted Local Development Plan.

8. No burning of waste, or other materials, shall take place on site during the construction of the development hereby approved.

Reason:

To protect the amenities of neighbouring occupiers and to comply with policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the adopted Local Development Plan.

9. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to ensure compliance with policy SP1 (Delivering the Strategy) of the Local Development Plan.

10. The wildflower planting set out in plan no. 22042_L_2 'Topographical Survey and layout' (received 8 April 2025) and the details of species for planting as detailed in paragraph 1.4 of the Green Infrastructure Statement (received 18 October 2024) shall be carried out in full prior to the first beneficial occupation or use of the development 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.

NOTE:

1. The applicant should take into account the risk of asbestos containing building materials during the demolition works required with appropriate surveying and removal being undertaken.
2. The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water Industries Act 1991.

The applicant will either need to complete a Declaration of Works or submit an application for Build Over Sewer (BOS) Agreement to Dwr Cymru Welsh Water. Further information can be obtained via the Developer Services webpage at <https://developers.dwrcymru.com/en/applications/planning/build-over-or-near-to-sewers>.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

3. A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to WW/DC
4. 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

Any works to watercourses, including ditches and stream 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 any change to the ordinary watercourse that may obstruct or alter its flow on a permanent or temporary basis.

5. R4 CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

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, topsoil, subsoil, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;**

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

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

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

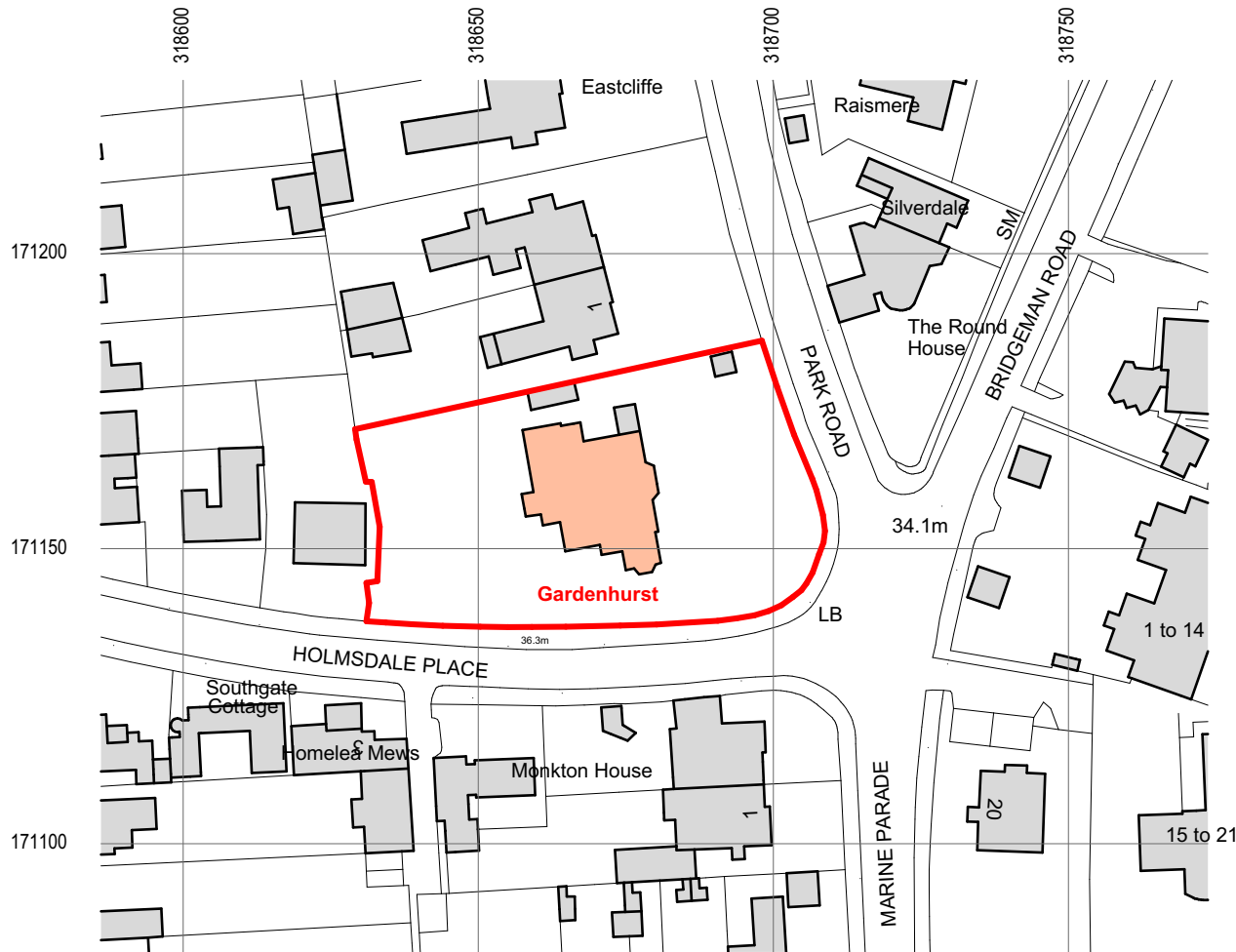
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual 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.

2016/00849/FUL



- Application Property
- Site Boundary

Revisions

Rev	Date	Description	By
P1	26/05/23	Preliminary Issue for Comment	ST

Project

Gardenhurst
Holmsdale Place,
Penarth,
CF64 3BB

Client

Jessica Bugar c/o
Equorium Property Company Ltd

Title

Site Location Plan

Drawing Status

PLANNING

Drawing No.	Date
2266-TYP-LP-01	Mar 2023

Revision	Scale @ A4	Drawn
P1	1: 1,250	ST

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Site Location Plan
Scale 1:1,250

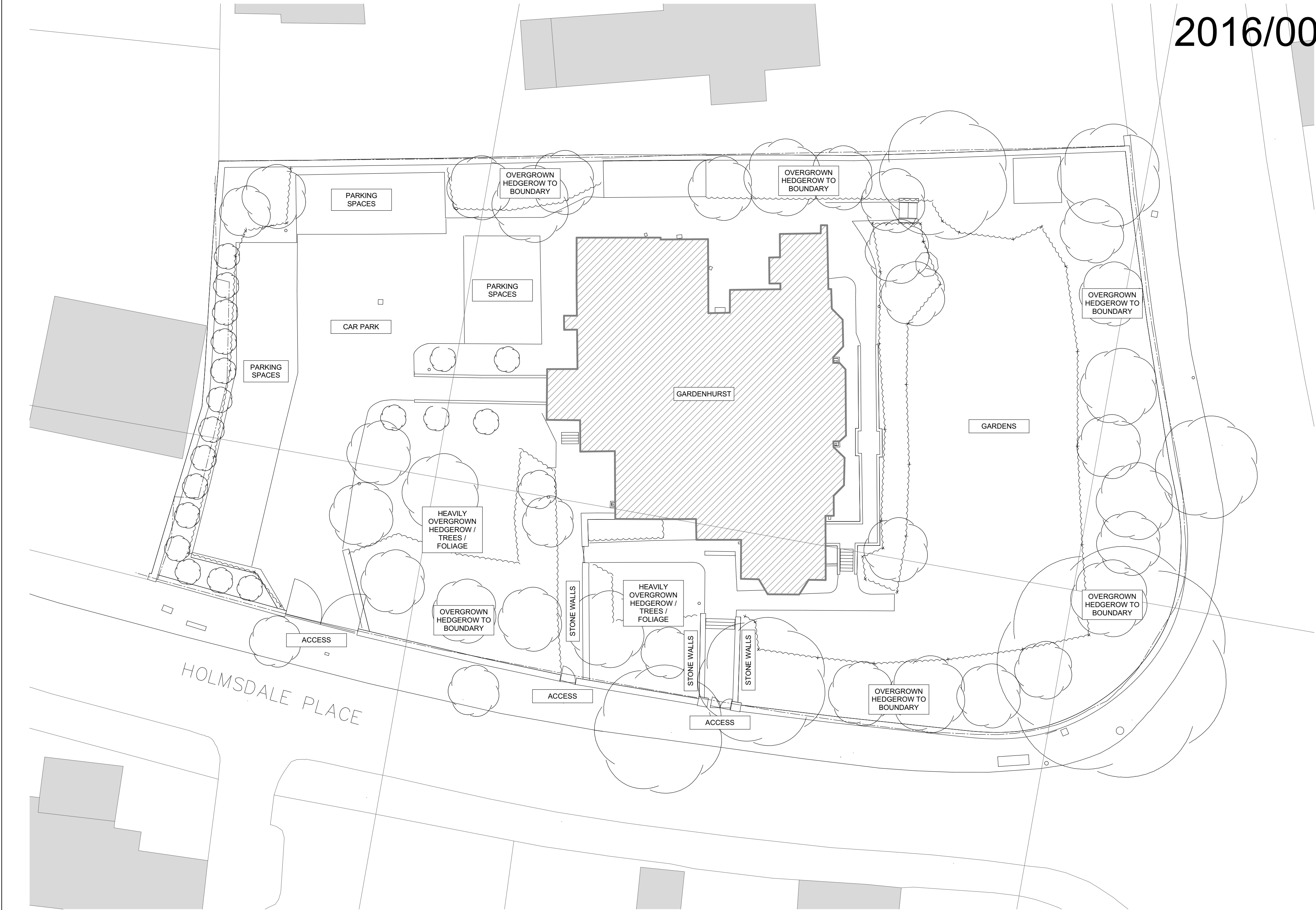
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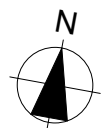
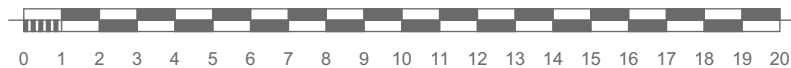
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Existing Site Context Plan
Scale 1:200

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Revisions		
P1	26/05/23 Preliminary Issue for Comment	ST
Project		
Gardenhurst Holmsdale Place, Penarth, CF64 3BB		
Client		
Jessica Bugar c/o Equorium Property Company Ltd		
Title		
Existing Site Context Plan		
Drawing Status		
PLANNING		
Drawing No.		Date
2266-TYP-SP-01		Mar 2023
Revision	Scale @ A2	Drawn
P1	1: 200	ST

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190litre Water Butt Provision

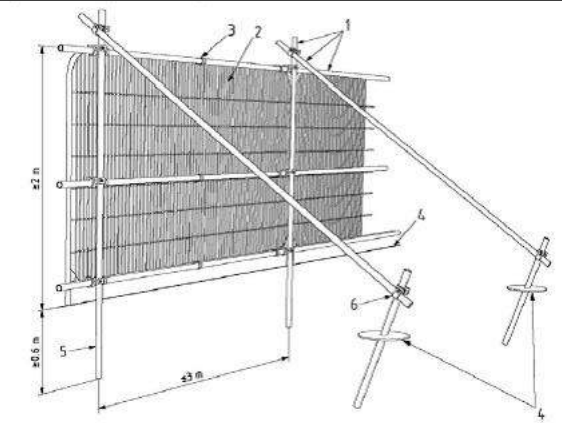
Specification:

- 190litre Water Butt
- Water butt lid (child proof)
- Water butt tap
- Water butt stand
- Downpipe connector kit

Dimensions:

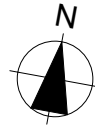
Height – 960mm
Height with stand – 1240mm
Width – 650mm

Example Photo of Proposed Water Butt
(Refer to site layout for locations)



- Key**
1. Standard scaffold poles
 2. Heavy gauge 2 m tall galvanized tube and welded mesh infill panels
 3. Panels secured to uprights and cross-members with wire ties
 4. Ground level
 5. Uprights driven into the ground until secure (minimum depth 0.6 m)
 6. Standard scaffold clamps

Typical Tree Protection Fencing to BS 5837:2012



Typical Tree Protection Signage

DELAPATED, SUB STANDARD TREES AND SHRUBS TO BE REMOVED AND REPLACED WITH NEW. TO BE READ IN CONJUNCTION WITH TURLIN DESIGN LANDSCAPING PROPOSALS (TDA.2878.01)

PROPOSALS TO BE READ IN CONJUNCTION WITH PROPOSED DRAWINGS FOR BOTH THE NEW HOUSES (H. 2266-TYP-GA...) AND GARDENHURST (A. 2266-TYP-GA...)

UNLESS DESIGNATED AS BEING FOR DEMOLITION EXISTING TREES PROTECTED AND RETAINED TO BS 5837: 2012

SITE AREA - 0.295 HECTARES

SITE LAYOUT PLAN BASED ON ORDNANCE SURVEY DATA

Revisions

P3	10/08/23	Minor update to eastern boundary trees	AY
P2	20/07/23	Revised to suit Landscaping Proposals	ST
P1	26/05/23	Preliminary Issue for Comment	ST

Project

Gardenhurst
Holmsdale Place,
Penarth,
CF64 3BB

Client

Jessica Bugar c/o
Equorium Property Company Ltd

Title

Proposed Site Plan

Drawing Status

Draft For Comment

Drawing No. 2266-TYP-SP-03 Date Mar 2023

Revision Scale @ A2 Drawn ST
P3 1: 200

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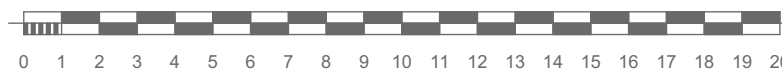
2016/00849/FUL



Photo Example of Proposed Timber Clad Garden Storage Building



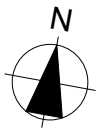
Example Photo of Proposed Electric Vehicle Charging Point (EVCP)
- Pod Point Solo Smart Charger (Domestic) - S7
(Refer to Layout for Location & Submitted Specification)





Existing Ground Floor Plan
Scale 1:100

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Presentation Elevation - E01
Scale 1:100



Presentation Elevation - E02
Scale 1:100

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Revisions		
P1	30/03/23	Preliminary Issue for Comment
Project		ST
Gardenhurst Holmsdale Place, Penarth, CF64 3BB		
Client		
Jessica Burgar c/o Equorium Property Company Ltd		
Title		
Presentation Elevations - Sheet 01		
Drawing Status		
PLANNING		
Drawing No.		Date
A 2266-TYP-GA-26		Mar 2023
Revision	Scale @ A2	Drawn
P1	1: 100	ST



Revisions

P1	30/03/23	Preliminary Issue for Comment
Project		ST

Gardenhurst
Holmsdale Place,
Penarth,
CF64 3BB

Client
Jessica Burgar c/o
Equorium Property Company Ltd

Title
Proposed 3D Visuals

Drawing Status

PLANNING		
Drawing No.	Date	
A 2266-TYP-GA-28	Mar 2023	
Revision	Scale @ A2	Drawn
P1	1: 100	ST

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Proposed Elevation - E01
Scale 1:100



Proposed Elevation - E02
Scale 1:100

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Revisions			
P2	03/08/23	Annotation added	ST
P1	30/03/23	Preliminary Issue for Comment	ST
Project			
Gardenhurst Holmsdale Place, Penarth, CF64 3BB			
Client			
Jessica Burgar c/o Equorium Property Company Ltd			
Title			
Proposed Elevations - Sheet 01			
Drawing Status			
PLANNING			
Drawing No.		Date	
A 2266-TYP-GA-24		Mar 2023	
Revision	Scale @ A2	Drawn	
P2	1: 100	ST	

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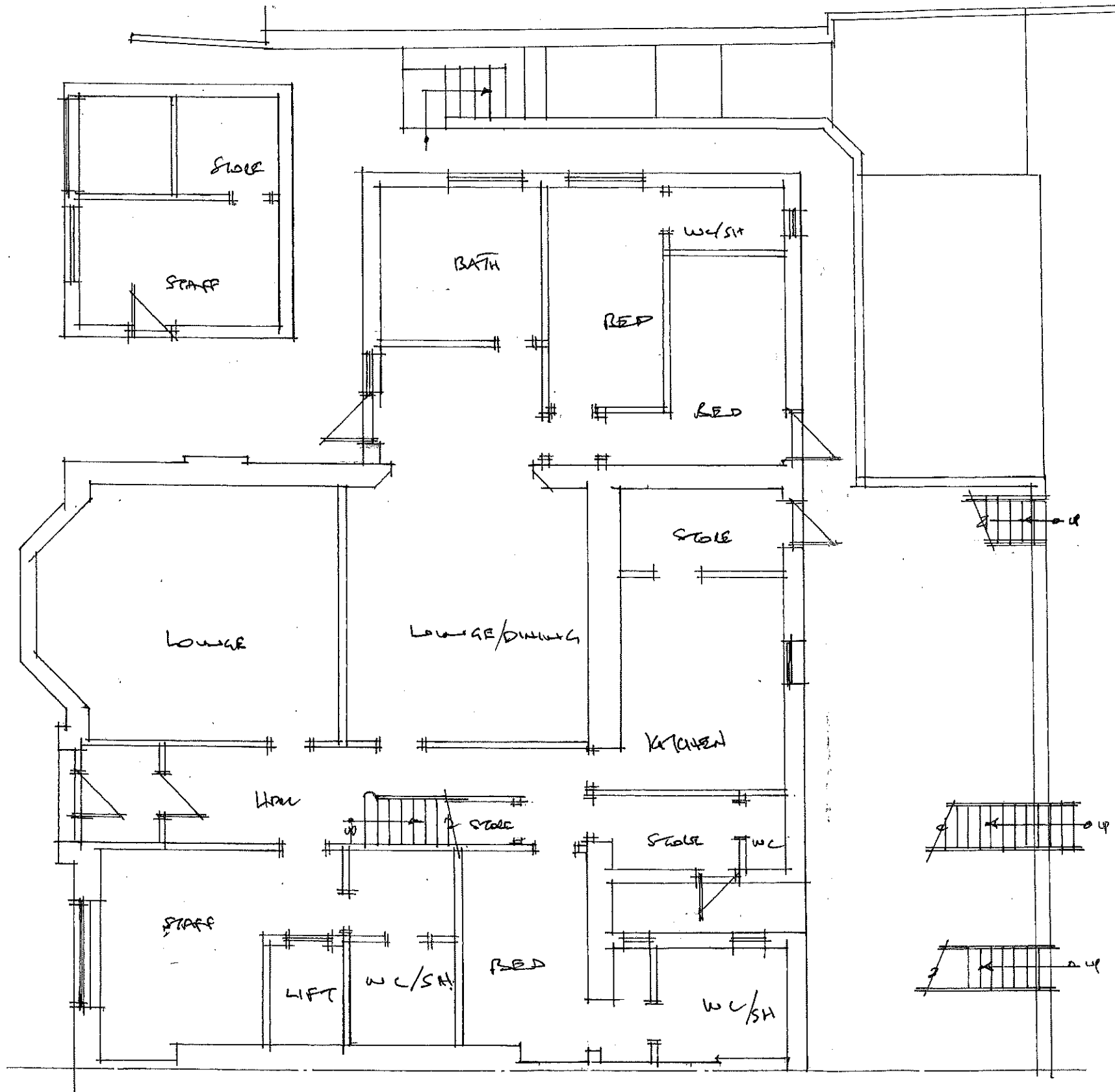
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2024/00537/FUL



<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <p>General Survey Legend</p> <ul style="list-style-type: none"> Solid feature as annotated Opening or void feature Edge of surface as annotated Change in surface gradient Trip foot or bank Spot level Hedge line Fence line Water line Cut Electric line Telecom line Surface water sewer Road water sewer Unsurveyed street Electric long post Electric pole Step indicator to Electric post to Teleport pole Pipe fire hydrant Gully Level marker post Survey Station Deciduous tree Coniferous tree Bush Masthead Manhole Level as annotated Multi level area </div> <div style="width: 35%; text-align: center;"> <h2 style="margin: 0;">10 Clive Crescent, Penarth</h2> <h1 style="margin: 0;">TOPOGRAPHICAL SURVEY & LAYOUT</h1> </div> <div style="width: 30%;"> <p>Notes:</p> <p>Survey Grid: Local Plane Grid related to O.S. Nation Grid at Survey Central Point Z.I.</p> <p>Survey Datum: O.S. Datum Newlyn.</p> <p>North Point: O.S. Grid North.</p> <p>OSGB36 position/orientation and ODN level determined via Network RTK GNSS using the OSTN15/OSGM23 transformations. This survey must only be used in accordance with the instructions for proper use of this survey.</p> </div> </div> <div style="width: 40%; margin-top: 10px;"> <p>Client: Rhys Lewellyn</p> <p>Scale: 1:100 @ A1</p> <p>Date: 7 April 2025</p> <p>Surveyed: BT</p> <p>Drawn: BT</p> <p>Zenith Land Surveys Ltd. GNS Monitoring, Topographical Land & Building Surveys Mill House, Old Censworthy Road, Newquay, B.C.T., PL15 7TA Telephone: (01433) 845018 E-mail: office@zenithlandsurveys.com</p> <p>22042_L_2</p> </div>



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DESCRIPTION

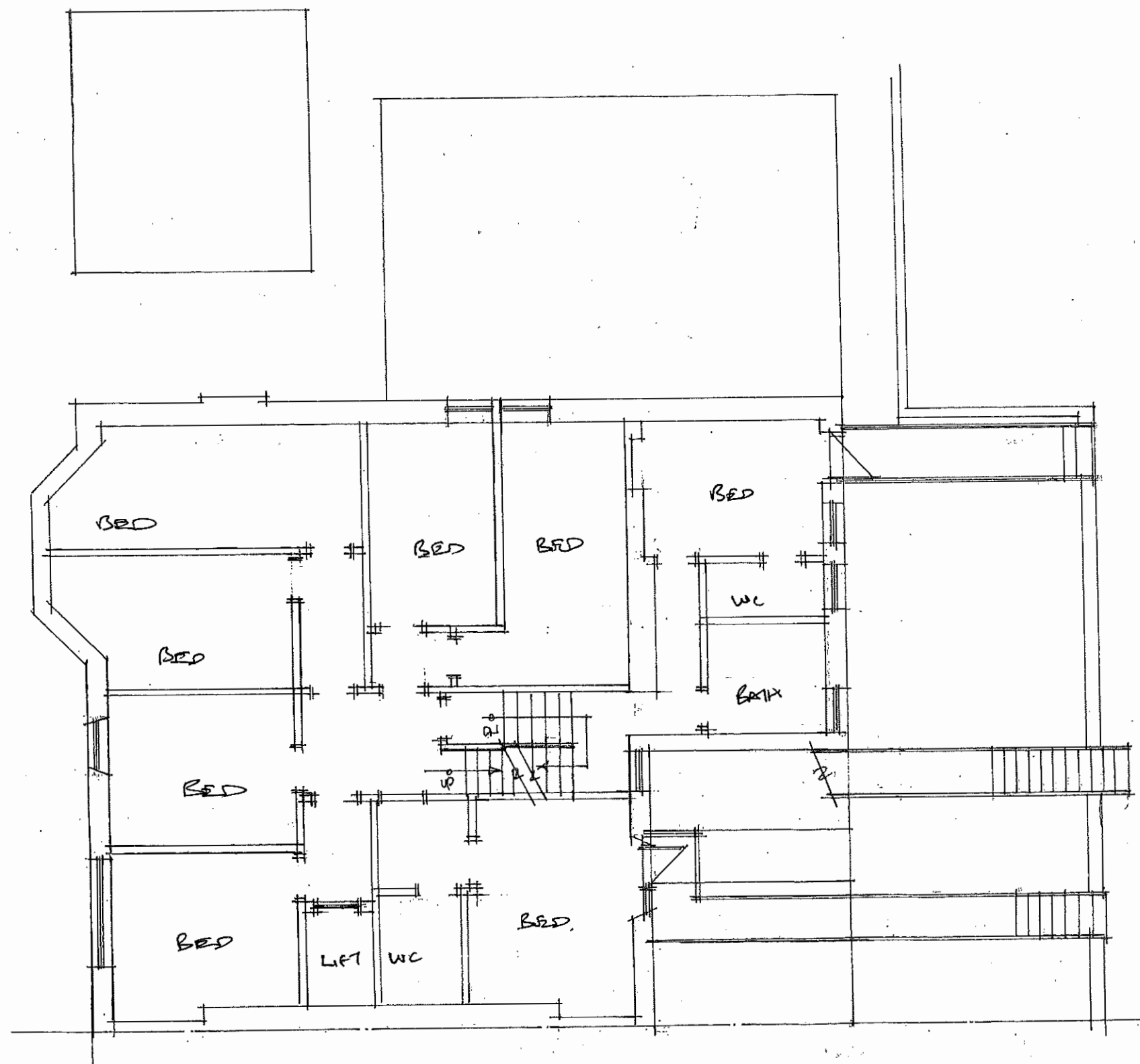
DEVELOPMENT AT
10 CLIVE CRESCENT
PENARTH

May 2024

PLAN NO. CAX3/2

GROUND FLOOR EXISTING 1:100 at A3

2024/00537/FUL



FIRST FLOOR EXISTING 1:100 at A3

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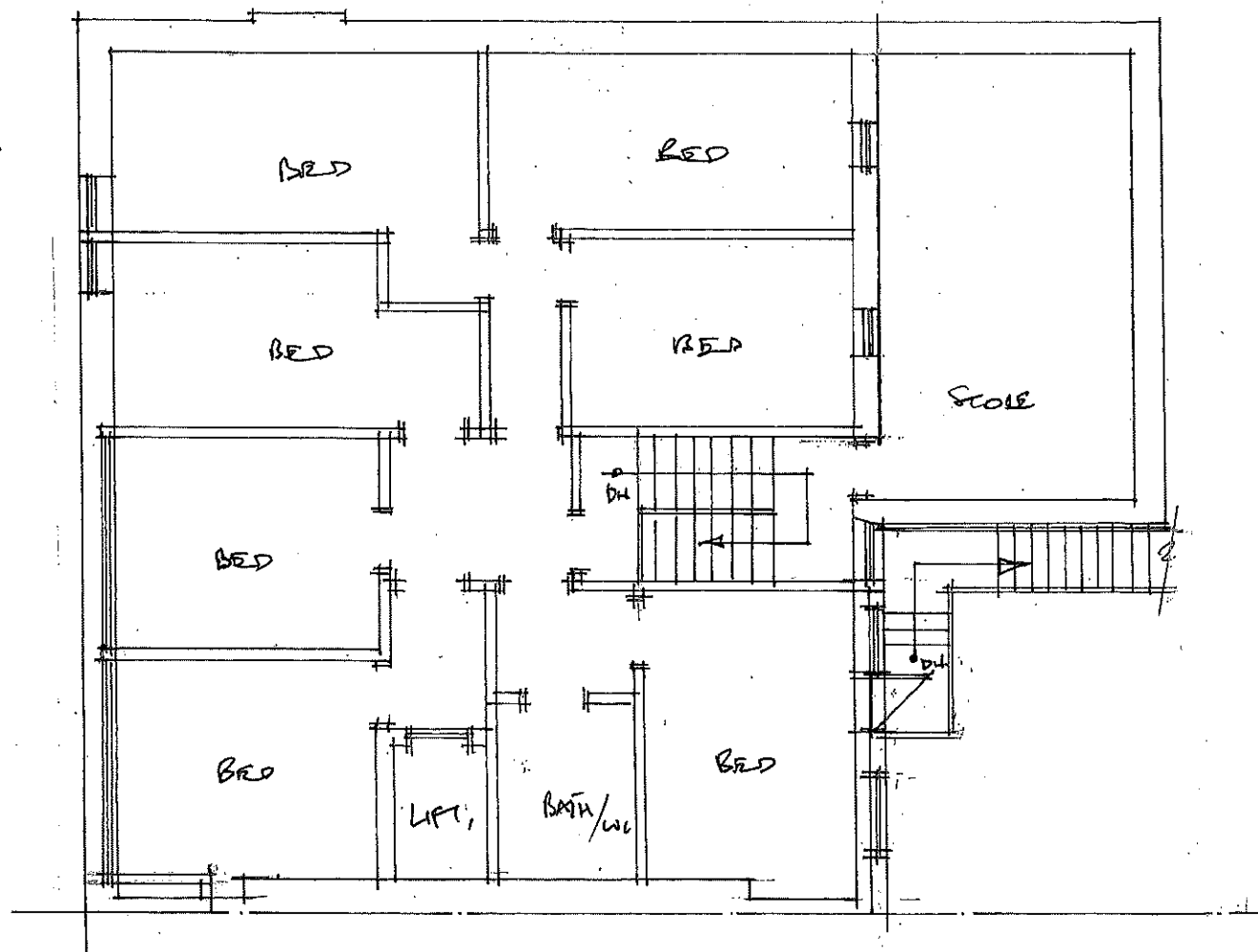
DESCRIPTION

DEVELOPMENT AT

10 CLIVE CRESCENT
PENARTH

May 2024

PLAN NO. CAX3/3



SECOND FLOOR EXISTING 1:100 at A3

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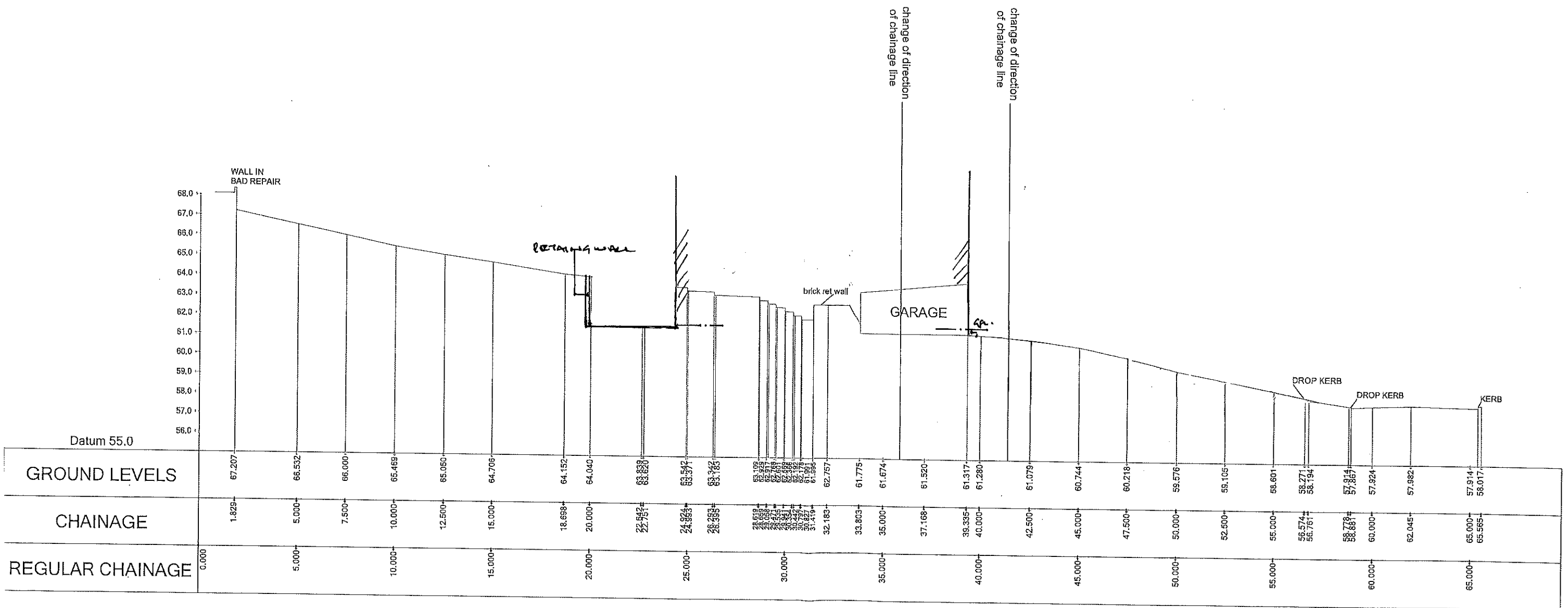
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DESCRIPTION

DEVELOPMENT AT
10 CLIVE CRESCENT
PENARTH

May 2024

PLAN NO. CAX3/4



Proposed section
 New levels shown are approximate
 2/24 Rev. (a) 18/1/24



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Cl. reqs 7/24 a TP reqs 5/8/24 b TP reqs 5/8/24 c TP reqs 12/24 d Cl. reqs 1/25 e

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DEVELOPMENT AT
10 CLIVE CRESCENT
PENARTH

January 2025

PLAN NO. CAX3/8/a/b/c/d/e

FRONT ELEVATION PROPOSED 1:100 at A3



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CL reqs 7/24 a TP reqs 5/8/24 b TP reqs 5/8/24 c TP reqs 12/24 d CL reqs 1/25 e

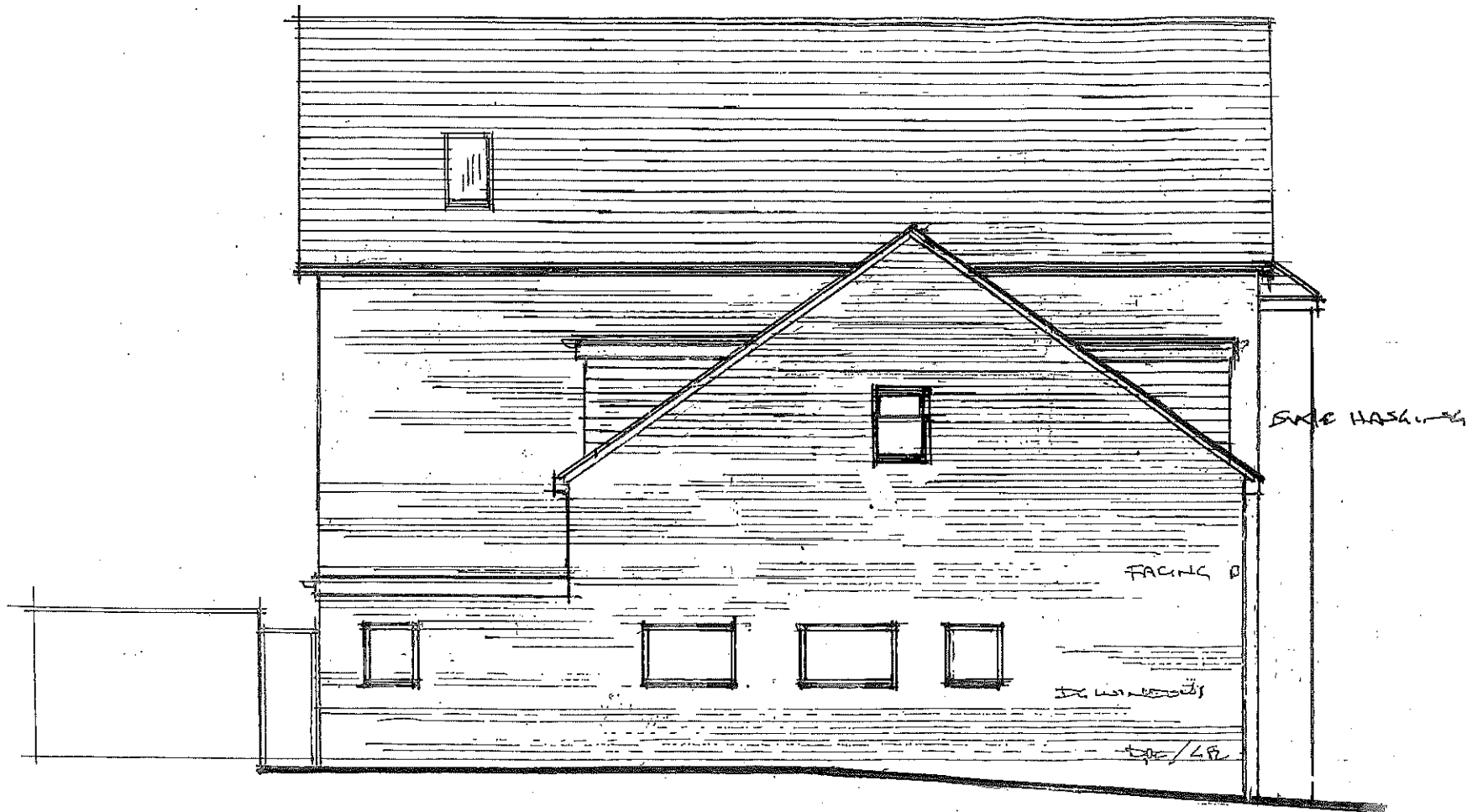
DTB DESIGN Architectural & Property Development Consultants

DEVELOPMENT AT
10 CLIVE CRESCENT
PENARTH

January 2025

PLAN NO. CAX3/9/a/b/c/d/e

REAR ELEVATION PROPOSED 1:100 at A3



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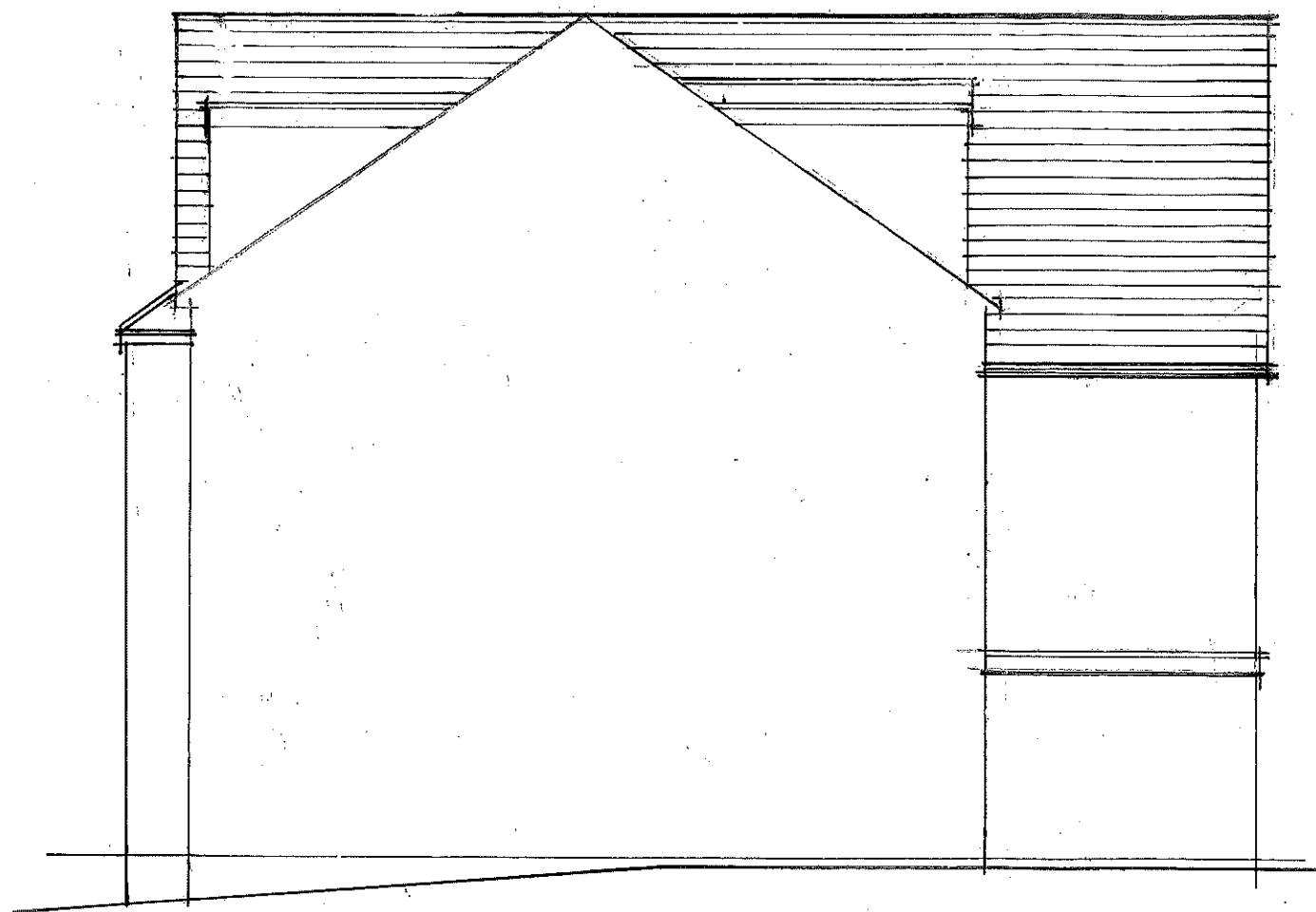
DEVELOPMENT AT
10 CLIVE CRESCENT
PENARTH

January 2025

PLAN NO. CAX3/10/a/b/c/d/e

SIDE ELEVATION PROPOSED 1:100 at A3

2024/00537/FUL



- THESE DRAWINGS ARE TO THE PLANNING STAGE ONLY
- DEVELOPER MUST CHECK ALL DIMENSIONS AND DETAILS FOR ACCURACY ON SITE BEFORE ESTIMATION AND COMMENCEMENT OF WORKS
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- ALL NEW DRAINAGE MUST BE CARRIED OUT IN ACCORDANCE WITH RELEVANT STANDARDS AND WELSH WATER & BUILDING CONTROL REQUIREMENTS
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DEVELOPMENT AT
10 CLIVE CRESCENT
PENARTH

January 2025

PLAN NO. CAX3/11

EASTERN ELEVATION PROPOSED 1:100 at A3

2024/00537/FUL



REAR ELEVATION EXISTING 1:100 at A3

DRAWINGS TO PLANNING STAGE ONLY

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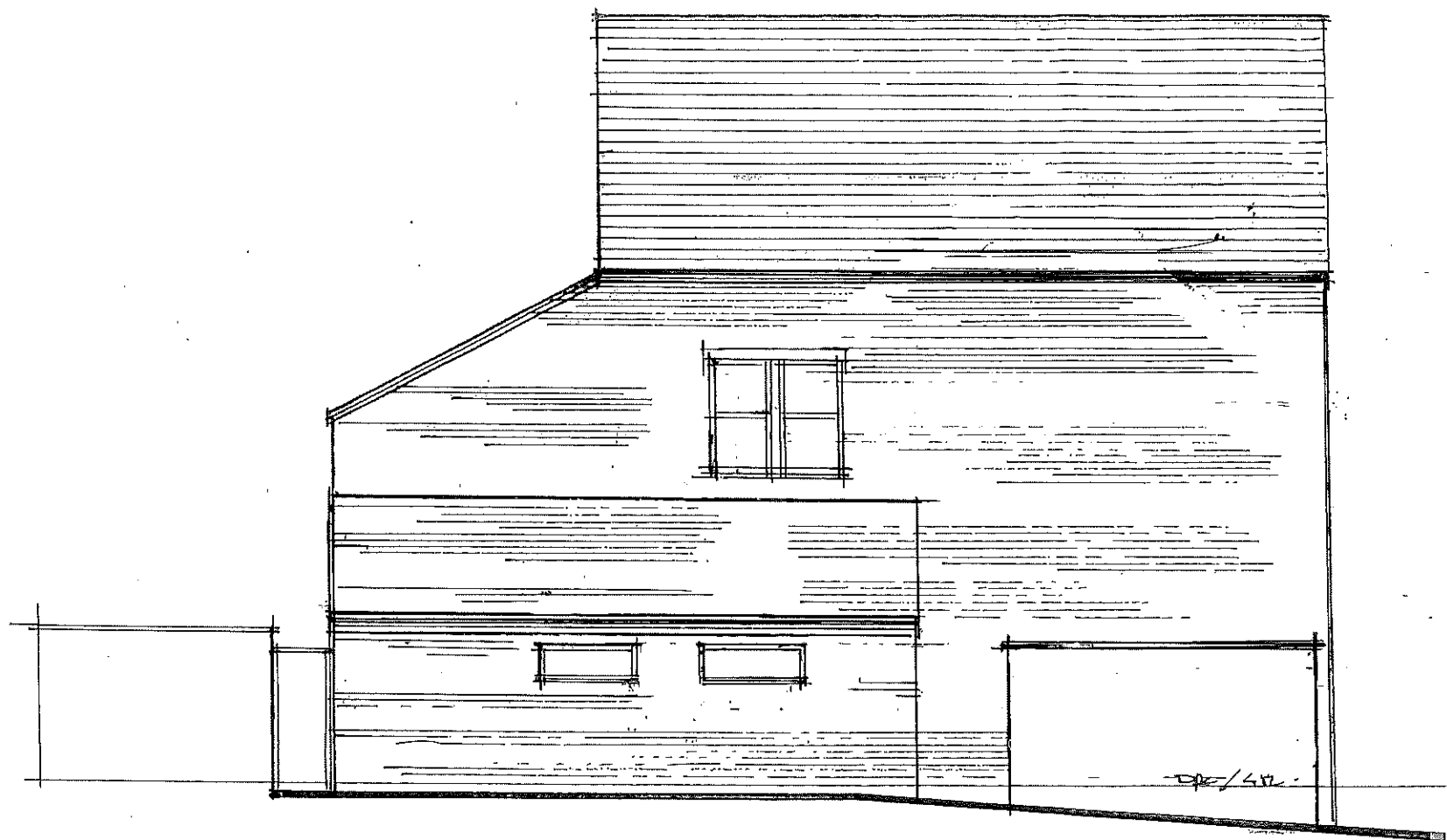
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DEVELOPMENT AT
10 CLIVE CRESCENT
PENARTH

May 2024

PLAN NO. CAX3/15



SIDE ELEVATION EXISTING 1:100 at A3

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DEVELOPMENT AT
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PENARTH

May 2024

PLAN NO. CAX3/16

2024/00537/FUL



FRONT ELEVATION *EXISTING* 1:100 at A3

DRAWINGS TO PLANNING STAGE ONLY

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May 2024

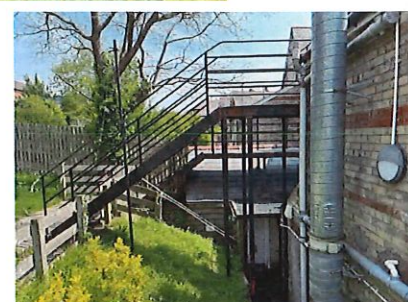
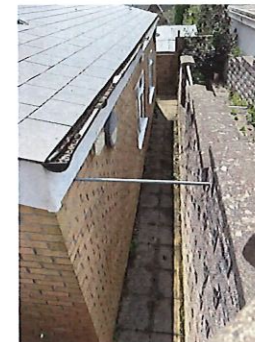
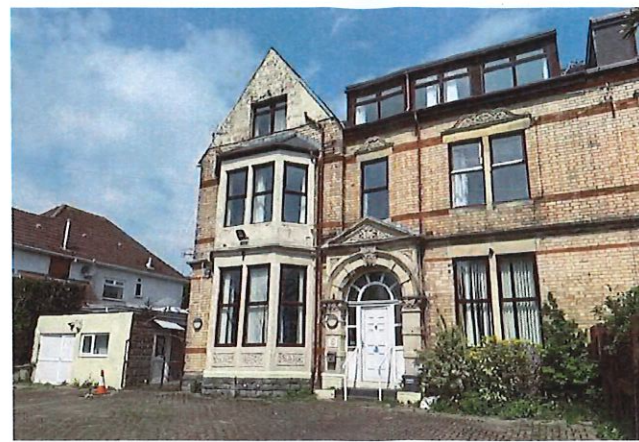
PLAN NO. CAX3107

PHOTOS—EXISTING



SITE LOCATION PLAN 1:1250 at A3

THE SITE



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ANY DISCREPANCIES TO BE REPORTED IF IN DOUBT—ASK
IF ANY CONSTRUCTION NOTES ARE ATTACHED TO THE PACKAGE OF PLANS THESE MUST BE READ AND UNDERSTOOD BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF WORK - REPORT ANY QUERIES OR DISCREPANCIES

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