

**ITEMS RECEIVED AFTER THE PRODUCTION OF THE REPORT**  
**FOR THE PLANNING COMMITTEE**  
**TO BE HELD ON 11 SEPTEMBER 2025**

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Page	Application	Location	Item No.	Description
	2024/00959/FUL	Berth 31, Port of Barry, Wimborne Road	1.	Comments from a neighbour forwarded by Councillor Drake, Further SRS comments and response from Agent
	2024/00537/FUL	Cliff Haven, Penarth	2.	Response from Neighbour – Seascape 22/8/2025
			3.	Response from Neighbour – 11 Clive Crescent
			4.	Response from Applicant
			5.	Response from Neighbour – Seascape 10/9/2025
			6.	Response from Planning Officer

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**MATTERS ARISING FOR COMMITTEE****COMMITTEE DATE : 11 SEPTEMBER 2025**

<b>Application No.:</b> 2024/00959/FUL	<b>Case Officer:</b> Mr. Ceiri Rowlands
<b>Location:</b> Berth 31, Port of Barry , Wimborne Road, Barry	
<b>Proposal:</b> A change of use to a wood processing facility.	

**From:**

- Cllr Drake, passing on complaint from constituent with regard to dust
- Shared Regulatory Services
- Response from agent to issues relating to dust

**Summary of Comments:**

The constituent passed concerns to Cllr Drake with regard to airborne wood fibre deposits, and health related issues; wood deposit and blocked screenwash nozzles on cars.

SRS (air quality) provided comments noting that the same complaint had been received by them. They note that they *'have an air quality sensor located on Dock view Road measuring particulate matter PM10 and PM2.5. These concentrations are well within legal limits and WHO guidelines (for the 3 month period) so likely a very low risk to health at the sensor location for these pollutants.'* They note that whilst larger particulates can present a potential risk, those below PM10 present the most risk as they are respirable. Both SRS air quality and pollution control indicate NRW, as regulator of the environmental permit, have greater power to take such action.

A response to related matters was also received from the applicant and their agent, including mitigation measures that are undertaken at the site. These include details of dust management toolbox talk, inclusive of active dust management such as wetting of wood piles and maintenance of dust cannons; inspections and how they have dealt with any previous complaints. They also provide evidence with regard to other sources of dust within the vicinity of the site, and indicate that NRW have not followed up with them on alleged dust related incidents.

**Officer Response:**

The information provided by a local resident in the email from Cllr Drake, indicate that particulate matter that appears to be wood based and suggested to be on Dock View Road. It is not possible to be completely certain that such matter is emanating from the application site, also acknowledging that there may be other sources of dust nuisance in the area. Notwithstanding this however, there is scope for airborne matter arising from the application site, hence the consideration of this matter within the officer report and the

suggested condition 4 for the provision of a dust management plan to be provided to ensure suitable mitigation measures are put in place.

The Council's SRS actively monitor airborne particulates on Dock View Road and have confirmed that measured particulates, considered to be those posing the most significant risk, are within legal thresholds. The site is also subject of an NRW environmental permit (reference DB3196HH) that is understood to be subject of a Dust Monitoring & Management Plan and ongoing monitoring by NRW in this regard. Noting this and the details provided by the applicant it is noted that a number of controls are in place to limit the spread of dust and particulates from the site.

**Action required:**

Members to note and further consideration to be given to this matter with proposed amended wording of condition 4 as follows:

**Following the grant of this planning permission there shall be no processing of wood until such time as a Dust Management Plan has been submitted to and approved by the Local Planning Authority.** The plan shall include measures to suppress dust arising from site processing activities, associated plant and machinery, and the storage and transportation of materials within the area of this permission. Site operations shall thereafter be carried out in full accordance with the approved plan.

**Reason:**

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

[REDACTED]

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**From:** Robinson, Ian  
**Sent:** 10 September 2025 12:23  
**To:** Lankshear, Robert  
**Subject:** Fw: Urgent: Wood chip pollution from Berth 31

Sent from [Outlook for iOS](#)

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**From:** Drake, Pamela (Cllr) <[REDACTED]>  
**Sent:** Monday, September 8, 2025 2:45:54 PM  
**To:** Robinson, Ian [REDACTED]  
**Subject:** Fw: Urgent: Wood chip pollution from Berth 31

Sorry Ian my first email was sent before I could finish it. I would be grateful if this complaint could be looked at, this is the first complaint about this I've received.

Regards  
Pamela

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**From:** Drake, Pamela (Cllr) [REDACTED]  
**Sent:** Monday, September 8, 2025 2:42:49 pm  
**To:** Robinson, Ian [REDACTED]  
**Subject:** Fw: Urgent: Wood chip pollution from Berth 31

Dear Ian

I am forwarding this email from a Castleland resident, as you will see its a complaint about the woodchip plant in

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**From:** [REDACTED]  
**Sent:** Monday, September 8, 2025 1:02:36 pm  
**To:** Collins, Amelia [REDACTED]  
**Subject:** Urgent: Wood chip pollution from Berth 31

Dear Amelia and Pamela,

I am writing to you as my Castleland ward councillors, and also as the industrial site is in your ward.

I am very conscious that Berth 31, and the woodchipping facility has been operational for several months now. But also that it will be discussed, and is planned to be approved, in the planning meeting on Thursday.

Since becoming operational, I have noticed significant woodchip fibre deposits. These are more obvious on my car, but will of course be everywhere.

I am attaching some pictures of my car (Dock View Road) and a neighbours car (Jewel Street) taken in the last couple of days. I think you will agree, this quantity of pollution is not to be disregarded lightly!











These wood fibre deposits are in the air we are breathing and I am very concerned about the impact of this on residents health. Some of my neighbours have reported increased asthma effects, and children having stuffy noses and sore throats more. This is of particular concern since the Berth 31 site is directly adjacent to a site designated for housing on the LDP.

My car screen wash nozzles have been blocked twice in the last few months, something which has never previously happened.

I am contacting you to find out firstly why you didn't respond to the planning consultations when open, and secondly to ask you to attend the planning meeting and represent the concerns of residents such as myself.

I made a report to SRS yesterday but the form didn't allow me to attach photos. So thirdly, please forward these to them and any other relevant authorities/councillors.

I await your response,



[REDACTED]

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**From:** Rowlands, Ceiri  
**Sent:** 10 September 2025 12:15  
**To:** Robinson, Ian; Jones, Liam D; Lankshear, Robert  
**Subject:** FW: 0907132259\_1E4CC - SRS Contact Us Form

[REDACTED]

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**From:** Spear, Adam (SRS) [REDACTED]  
**Sent:** 09 September 2025 16:52  
**To:** Rowlands, Ceiri [REDACTED]  
**Subject:** FW: 0907132259\_1E4CC - SRS Contact Us Form

FYI



**Adam Spear | Technical Officer – Environment (Enterprise and Specialist Services)**  
Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir  
Bridgend, Cardiff and the Vale of Glamorgan  
Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg  
Phone | Ffôn:  
Mobile phone | Ffôn symudol: [REDACTED]  
Email : [REDACTED]

*Please note, I work flexibly and my emails sent outside of working hours do not require reading or a response out of hours.*

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**From:** Spear, Adam (SRS)  
**Sent:** 08 September 2025 14:42  
**To:** [REDACTED]  
**Subject:** FW: 0907132259\_1E4CC - SRS Contact Us Form

Hi both,

There has been another dust nuisance complaint regarding the South West Wood Product Site at Wimborne Road, Barry from a Dock View Road resident.

I have directed the request to your team, but if you would like me to have any input or respond to the complainant please let me know . I believe the site is under an NRW permit.

We have an air quality sensor located on Dock view Road measuring particulate matter PM10 and PM2.5. These concentrations are well within legal limits and WHO guidelines (for the 3 month period) so likely a very low risk to health at the sensor location for these pollutants.

01/06/2025 00:00 → 08/09/2025 14:16

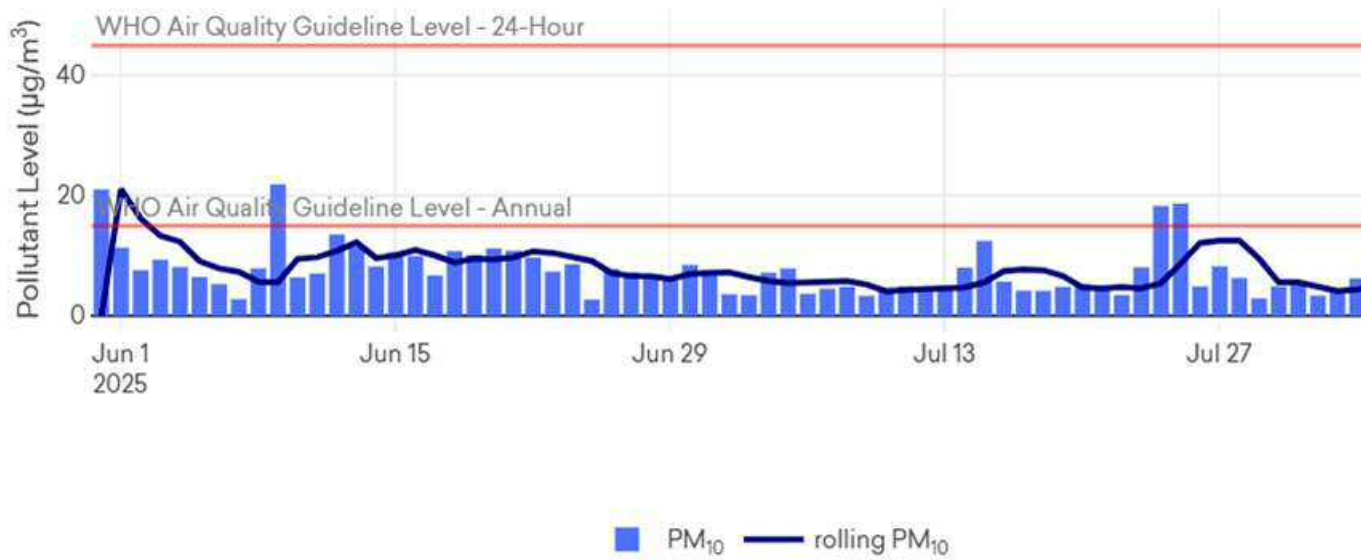


Select  
1 day

Device: SN-2056

Street: Dock View Road

Pollutant: PM10



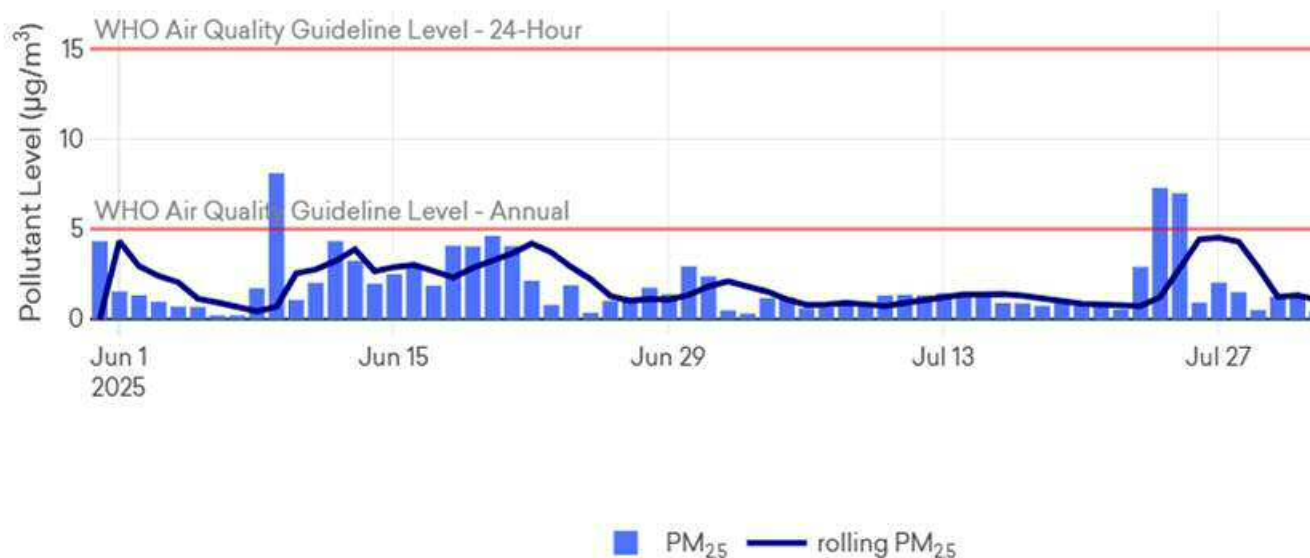
01/06/2025 00:00 → 08/09/2025 14:35



Device: SN-2056

Street: Dock View Road

Pollutant: PM2.5



**Adam Spear | Technical Officer – Environment (Enterprise and Specialist Services)**

Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir

Bridgend, Cardiff and the Vale of Glamorgan

Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg

Phone | Ffôn:

Mobile phone | Ffôn symudol:

Email:

*Please note, I work flexibly and my emails sent outside of working hours do not require reading or a response out of hours.*

**From:** Morgan, Rhodri

**Sent:** 08 September 2025 13:10

**To:** Pollution Vale (SRS Wales)

**Cc:** Spear, Adam (SRS)

**Subject:** RE: 0907132259\_1E4CC - SRS Contact Us Form

Prynhawn da Lau

This will be for Helen's team I imagine (Vale pollution) as it could be a nuisance / not complying with Env plans.

Ad – copied you in for info

Diolch  
Rhodri

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**From:** Pollution Vale (SRS Wales) <[REDACTED]>  
**Sent:** 08 September 2025 12:59  
**To:** Morgan, Rhodri <[REDACTED]>  
**Subject:** FW: 0907132259\_1E4CC - SRS Contact Us Form

Hi Rhodri  
Would this be you?

Diolch Laura

**From:** [REDACTED]  
**Sent:** 07 September 2025 13:23  
**To:** Pollution Vale (SRS Wales) <[pollution-vale-srswales@valeofglamorgan.gov.uk](mailto:pollution-vale-srswales@valeofglamorgan.gov.uk)>  
**Subject:** 0907132259\_1E4CC - SRS Contact Us Form

## SRS Contact Us Form

### Service Area

Pollution

### Service Location

ValeOfGlamorgan

### Name

[REDACTED]

### Email

[REDACTED]

[REDACTED]

### Home Address

[REDACTED]

### Offending Address

[REDACTED] And all surrounding residential areas, impacted by Berth 31, Port of Barry, Wimborne Road

### Is the request related to noise arising from a domestic dwelling?

No

### Message

I am very concerned about the air pollution coming from Berth 31, which has been operational for several months, despite planning application still awaiting permission. I can regularly see clouds of wood fibre coming from this site. This morning, my car is covered in wood fibre, as are all the cars along my road. I have pictures I can submit as evidence if useful though I can't see how to do it on

this form. I note that your comment on the planning application states there must be a dust management mitigation schemes etc prior to work commencing. But work has already commenced and the council don't plan on requiring this until 3 months after permission is granted. As the site is already operational, this does not adhere to your requirements, and in the meantime the air is full of wood fibre. I am deeply concerned about the health of people in this area who are breathing in the air that is landing on cars and leaving notable residue. I would be grateful for an urgent response given that the matter is due for discussion by planning on the 11th. Many thanks, [REDACTED]

**From:** Rowlands, Ceiri  
**Sent:** 10 September 2025 11:50  
**To:** Lankshear, Robert; Jones, Liam D; Robinson, Ian  
**Subject:** FW: 2024/00959/FUL - Berth 31 - further detail to address conditions  
**Attachments:** Dust Management TBT.docx; FW: Berth 31 - new dust complaints - response required asap

FYI

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**From:** Lesley Loane [REDACTED]  
**Sent:** 10 September 2025 11:43  
**To:** Rowlands, Ceiri [REDACTED]  
**Subject:** RE: 2024/00959/FUL - Berth 31 - further detail to address conditions

Ceiri,

SWWP have provided the response below this morning and also the attachments which include a number of other dust sources around the area. I would be grateful if you could keep me updated on the considerations being made today.

L

We have responded to any dust concerns where real information has been supplied, and have met with local residents, and business representatives.

When information has been supplied relating to dates times and locations of incidents, this affords us the opportunity to carry out an investigation.

Based on previous concerns where this information was supplied, this has allowed site to take mitigation improvements such as;

- Retraining in the form of Tool Box Talk (attached)
- Repositioning of operating Plant
- Addition dust suppression canons

Where we have identified that SWWP were the potential cause, we have taken responsibility, apologised to the complainant, actioned as above, and where required employed 3<sup>rd</sup> party (road sweeper as example) to clear impacted area.

It has also been identified, the visual observations have misinterpreted water vapour from the aforementioned dust cannons as dust, when this was clearly not the case.

We also routinely carry out our own external inspections of the surrounding areas to identify if we are having any impact. (attached) .

Attached is **photographic evidence that there are sources of dust outside of SWWP**, far closer to the receptors mentioned. We have seen other businesses in the areas contributing to airborne dust.

The NRW were also going to investigate and follow up on alleged incidents, no information regarding follow up communication was ever received.

SWWP are committed to making improvements relating to any concerns raised, and will continue to work with our neighbours to resolve any concerns.

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**From:** Rowlands, Ceiri [REDACTED]  
**Sent:** 10 September 2025 09:01  
**To:** Lesley Loane [REDACTED]  
**Subject:** RE: 2024/00959/FUL - Berth 31 - further detail to address conditions

Hi

We've had complaints about dust emanating from the site, including photographs of wood fibres deposited in the Dock View Road area which is residential. The air quality monitoring station there is not picking up adverse levels of fine particulates, however, these are heavier particles, not likely to be picked up by the monitor (see below). They show quite significant quantities, and presuming these were airborne, the most likely source would be from Berth 31. We may need to investigate this further before it is presented to Planning Committee.

We'll consider the position today; there will be a meeting to discuss this (and any other post-reporting representations) this afternoon.

I appreciate the short notice, but if you could speak to the operator and come back to me in the morning, that would be appreciated. It would be useful to understand what dust generating activity has been undertaken on the site (over the past week in particular), the dust mitigation measures deployed, and the results of any on-site monitoring etc. Secondly, please could you confirm the current position regarding the environmental permit? You forwarded a (draft I think) dust mitigation plan under consideration by NRW. I.e.:- is the site currently still operating under standard rules permit and if so what dust controls (if any) are mandated under this permit? If not, is there a bespoke permit in place by now and what is the status of any such application?



Thanks,

Ceiri

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[REDACTED]

[REDACTED]

[REDACTED] not definite.

- Biodiversity action plan - ABP want to discuss and see what they can refine, add from their experiences elsewhere on the dock. I think they are in negotiation with VoG on a docks wide proposal.
- Dust Management Plan – Attached is the DMP that NRW are reviewing for the Bespoke Permit variation.

- Flood Mitigation & Management Plan - relatively expensive to do when planning consent not definite.
- Flood wall construction and appearance – will probably come through in the FMMP above.

L

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

I

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## **MATTERS ARISING FOR COMMITTEE**

**COMMITTEE DATE: 11 SEPTEMBER 2025**

**Application No.:**2024/00537/FUL      **Case Officer:** Angharad Hobbs

**Location:** Cliff Haven Residential Home, 10 Clive Crescent, Penarth

**Proposal:** Partial demolition to former care home and rebuild. Proposed rear and side extensions and conversion of building to two dwellings and proposed two storey side extension to provide third dwelling. Proposed alterations throughout the site to include the addition of retaining walls and alterations to levels.

**From: Neighbour, Seascape, 22 August 2025 – two no. emails**

### **Summary of Comments:**

- Residential amenities and local biodiversity potentially impacted by the development
- Numerous trees on site that provide a wilder area that is shelter and habitat for birds and invertebrates
- Previous conversion plans implied building was sound and no information is given otherwise.
- External work had no planning consent and could have been halted.
- Priority should be given to restoring the main house close to the original frontage to match the neighbouring semi
- Description of development is unacceptable – single storey “extension” does not exist; third dwelling listed as an extension; false statements on application form
- Omission of tree survey – application form requests a full tree survey with accompanying plan
- Previous committee report wrongly implied a 2022 survey met this requirement – it did not as it covered one tree
- Council’s tree officer should be consulted
- TEMPO is not on file
- Green Infrastructure Statement is inadequate at assessing existing infrastructure.
- Wildflower and planting are not considered green infrastructure
- Loss of green infrastructure is contrary to PPW.
- Insufficient biodiversity enhancement
- Policy MD9 is outdated but proposal fails to comply with this.
- Omission of construction outline for a soakaway system (SUDS) – is there capacity for the standard 1:30 storm and assessed infiltration rate. Details are needed to determine what structures need planning.

### **Officer Response:**

- Comments are noted.
- Impact upon neighbouring amenities has been assessed in the report to Committee.
- Issues relating to the demolition and re-build have been assessed in the report and it is noted that the demolition did not require planning permission, albeit the re-build does.
- Comments relating to the description of development are noted, however, it is considered sufficient to describe the proposed development.
- Comments relating to inaccurate statements in the application form are noted, however, these are answers provided by the applicant / agent and it is for the LPA to ensure that an assessment is made.
- Impacts on trees have been assessed in the report for Committee and in this instance, a tree survey was not requested.
- With regards to comments on assessing a previous tree survey, it is noted that the previous committee report referred to a statement made in the refused scheme, which is still considered of material consideration.
- The TEMPO assessment is an internal assessment and whilst it is not available online, it is available within the report for Committee.
- Issues relating to green infrastructure and biodiversity enhancements have been addressed in the Officer’s report, with relevant conditions relating to these matters.

### **Action required:**

Comments noted – no action required.

From: [REDACTED]  
 Sent: 22 August 2025 09:56  
 To: Leong, Darryl  
 Cc: Hobbs, Angharad; [REDACTED]  
 Subject: Re: [REDACTED] Cliff Haven/10 Clive Crescent - Falsely describing new separate dwelling as "extension"

Dear Enforcement officer,

I gave you many reasons why the amended Application form did not rectify its several significant errors, nor does it rectify the lack of necessary supporting documents (Tree survey etc.).

I see you changed just one point in the description from that on the form, so it no longer claims to "convert" an extension that no longer exists. But the wording still wrongly says that the new building is to be an "extension" (*side extension to provide third dwelling*). The information presented, particularly the viability report, says it's a separate, functionally-independent dwelling, to be sold as a separate dwelling with shared frontage and garden

The description as "*extension*" gives various tax and planning advantages, the word's significance being well-established in case-law. Separate dwelling status may affect building regs (energy efficiency for new-build) and does affect Council tax. It's not an optional matter for you and the planning officer to decide, but to be decided as a matter of fact. The developer makes no argument, but the drawings show the new dwelling is no 'extension' of the 'terrace' as the roof is well out of line.

May I remind you of my 29 July suggestion

a truthful description would be conversion of the nursing home into two dwellings and construction of a third ?

I pointed out clearly false answers on the form:

"No" to *has the work already started* ?

"NURSING HOME" as *Existing Use* instead of demolition/construction site

"not require a new building" yet the third dwelling has to be described as a new building (if with shared party wall)

"No" *other biodiversity features*, yet the site contains several mature trees, a hedgerow and a wilderness haven for birds, bugs etc. to the rear, plus several trees in the front garden

I pointed out the form remains signed/dated at 5/2/25 (but filed on 24 June) [REDACTED]  
 [REDACTED]

As I wrote above, there are both planning and tax advantages from describing a development as an "*extension*" and "*not require a new building*". [REDACTED]

[REDACTED] Please reconsider your assertion that the description posted on the file on 1st August is "sufficient" for practical planning purposes.

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

**From:** [REDACTED]  
**Sent:** 22 August 2025 23:59  
**To:** Planning; Hobbs, Angharad  
**Cc:** [REDACTED]  
**Subject:** Objections to proposed development at Cliffhaven nursing home, 10 Clive Cres /2024/00537/FUL

Residential amenity and local biodiversity for my and neighbours' dwellings are potentially affected by this development. Because of the numerous trees on site, front and back, it provides a wilder area that is shelter and habitat for overwintering birds and invertebrates.

The proposed development is wrong. Sustainable development involves sustainable use of resources so re-purposing via conversion of sound historic Victorian buildings where possible. Previous conversion plans implied the building was sound, no information is given otherwise. The developer said he would renovate the roof (which appeared sound, with newish slates) but proceeded to remove the whole roof, gable ends, second floor rooms and more. This external work had no planning consent and could have been halted.

[REDACTED],  
 priority needs to be given to restoring the main house close to the original frontage, to match the other half of the semi (no. 9). That will retain the setting for the Conservation Area of Clive Place and the start of Clive Cres. (south side).

#### **False description and faulty statements on the Application**

The 23/24 June amended Application is clearly faulty. The old single-storey "extension" does not exist. Saying the changed description was sufficient is unacceptable. [REDACTED]  
 [REDACTED]

The amended description of 1<sup>st</sup> August retains the claim that the third dwelling would be an "e3xtension". Yet the plan is for it to be a separate dwelling, new-build from footings up, independent of the other two. The LPA can have no truck with the Application's description of this proposed dwelling as an extension and denial it's a new building.

I point out false answers on the form:

"No" to *has the work already started* ?

"NURSING HOME" as *Existing Use* instead of demolition/construction site

"not require a new building" yet the third dwelling is a fully new building (with shared party wall).

If minded to proceed to consider the Application, the LPA should strike out this part of it and proceed with the plans to convert the main house alone.

**Omission of Tree Survey** The current application acknowledges *trees or hedges* on site, but does not provide the required "*full tree survey with accompanying plan*". The application form warns the LPA will not determine the application without this survey and plan.

The 12 June planning report wrongly implied a 2022 Treescene report (*Treescene Arboricultural Consultants*) met this requirement. It didn't. It covered one tree out of the dozen in the rear garden and none in the front garden. The TEMPO assessment referred to and the *Treescene* report were not referenced and are not on file. Though in the 2022 Nursery application, they were not the required "*full tree survey with accompanying plan*"

in that case either. The VoG now has a tree officer, unlike in 2022, so he should be consulted to assess the splendid walnut tree, not an untraceable TEMPO assessment of dubious origin.

### **Green Infrastructure Statement (GIS) fals PPS requirement.**

It is wholly inadequate in not showing and assessing the existing 'green infrastructure'. It falsely dismisses the several trees and hedgerow by saying *low ecological value...the majority of the site compris(es) bare ground, amenity grassland and small amounts of non-native shrubs*. This is factually false. [REDACTED]. It says nothing about the wildlife-rich trees in the front garden (which require management). It proposes to 'add' 3x'planters' and a wildflower meadow strip (which do not count as GI) in the rear garden, while ignoring the actual GI (trees and hedgerow) removed to make space for the meadow strip. The real result is loss of GI (Green Infrastructure), quite contrary to PPS12 6.4.12 requirement: "*a scheme of enhancements must be provided to ensure a net benefit for biodiversity*".

### **False claim to Biodiversity assessment**

The 12 June report did not assess (and reject) the claim in the GIS that it *ensures the development achieves net biodiversity benefit through the enhancement of biodiversity and sustainability*. If planning officers lack the relevant expertise, they have the Vale's Ecology officer on hand to consult. It can no longer be treated as a trivial add-on, as the PPW section specifies that for *applications that do not propose biodiversity enhancement proportionate to the scale and nature of the development, it will be necessary to refuse permission, unless other significant material considerations indicate otherwise*. It's obvious the main objective of providing housing can be achieved while planning to enhance biodiversity in the gardens. The applicant has provided no argument and the LPA cannot presume otherwise.

LDP policy MD9 on biodiversity is outdated with the WGovt and VoG declarations of a Nature Emergency. But even the old policy says (7.55) *Developers must demonstrate what measures have been taken to avoid an adverse impact on biodiversity*. The failure of the submitted GIS means the Applicant fails to meet this LDP requirement. A new GIS based on a visit to the site and appraisal of potential enhancements is needed.

### **Omission of construction outline for a soakaway system (SUDS)**

There is no argument that rainwater run-off cannot be dealt via soakaway, rather than the previous disposal to sewer. The slope of the site and limited area of permeable frontage shows the soakaway solution is not trivial, but might be sorted via storage and attenuation structures under the proposed parking area. Can sufficient capacity for the standard 1:30 storm and assessed infiltration rate be planned? Would some capacity have to be built under the steeply sloping driveway?

Answers have to be provided to such questions in order to determine what structures need planning on-site, and to avoid the developer later pleading it's too late to change the plans. If the cost is significant, it would be needed in the viability assessment.

Max Wallis

Seascape, 3 Penarth Head Lane,  
Penarth CF64 1BB

## MATTERS ARISING FOR COMMITTEE

**COMMITTEE DATE : 11 SEPTEMBER 2025**

<b>Application No.:</b> 2024/00537/FUL	<b>Case Officer:</b> Angharad Hobbs
<b>Location:</b> Cliff Haven Residential Home, 10 Clive Crescent, Penarth  <b>Proposal:</b> Partial demolition to former care home and rebuild. Proposed rear and side extensions and conversion of building to two dwellings and proposed two storey side extension to provide third dwelling. Proposed alterations throughout the site to include the addition of retaining walls and alterations to levels.	

**From: Neighbour, 11 Clive Crescent – email dated 21 August (forwarded by Cllr Sivagnanam) with attached comments, dated 19 August and email dated 2 September**

### Summary of Comments:

- Advanced progress with demolition and excavation without planning permission
- Notice under the Party Wall Act 1996 has not been served
- Request that the standard wording for Party Wall Act is added to any decision
- Reference to the Party Wall Act is not included under the assessment for number 11, Clive Crescent.

### Officer Response:

- Comments are noted.
- Comments relating to demolition and excavation have been addressed in the Officer's Report.
- A Party Wall Act informative is recommended (see informative number 6). However, please note that this is not a condition and is not a requirement of the planning permission.
- It is noted that reference to the Party Wall Act is not included in the assessment for impacts on number 11. However, it is also referenced in 'other issues' and the informative does not specifically address any neighbour.

### Action required:

Comments noted – no further action required.

19 August 2025

Representation on REVISED Planning Application of 1 August 2025 at 10 Clive Crescent: **Reference: 2024/00537/FUL**

(Partial demolition to former care home and rebuild. Proposed rear and side extensions and conversion of building to two dwellings and proposed two storey side extension to provide third dwelling. Proposed alterations throughout the site to include the addition of retaining walls and alterations to levels.)

**Addressed to:**

The Vale of Glamorgan Council

And to Mr Ian Robinson, Head of Sustainable Development (as required by site notices), Ms Angharad Hobbs & Mr Darryl Leong (Vale of Glamorgan Council Local Planning Authority)

Dock Office

Barry Docks

Barry CF63 4RT

**Sender details**

David Hughes, Dagmar Baer, Dylan Hughes & Anna Hughes, owners and occupiers of:

11 Clive Crescent

Penarth, [CF64 1AT](#)

**Objection to proposal 2004/00537/FUL – REVISED**

This development has been a disconcerting experience and a matter of great concern for us as direct neighbours. The large Victorian house (18 bedrooms) at No 10 Clive Crescent, which is directly adjacent to our own house, has been almost entirely demolished, engineering earthworks have been carried out directly adjacent to our boundary wall and house wall, and new interior walls and floors new floors and interior walls have been constructed – all entirely without planning permission or advance notice.

The plans for the development show that a two-storey extension is to be built less than 3 meters away (approximately 1 meter away in fact) from the outer walls of our house at No 11, with excavations and foundations going below the level of the foundations of the outer wall of our house. The proposed development therefore falls within the scope of the Party Wall Act 1996. Because of the manifest risk to the stability of our property, due process under the Party Wall Act is essential. Despite the advanced stage of the development, however, the developer has still not served notice as required under the Act.

In order to help ensure that further works at No 10 Clive Crescent are carried out in accordance the Party Wall Act, it would be appropriate and necessary for any planning permission granted regarding the two-storey extension proposed in application 2024/00537/FUL to include a reference to the Act and its obligations. This wording should be that used in seven recent planning decisions affecting Penarth, adopted by the Council on 30 and 31 July 2025, namely:

2025/00629/FUL; 2025/00630/FUL; 2025/00632/FUL; 2025/00609/FUL; 2025/00610/FUL; 2025/00613/FUL; 2025/00617/FUL. The wording in these seven decisions is as follows:

**NOTE:**

**1. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**

**2. The applicant/owner shall be aware of the duties imposed under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining occupier(s) where the building owner intends to carry out work which involves: 1. Work involving an existing shared wall with another property; 2. Building on the boundary with a neighbouring property; 3. Excavating near a neighbouring building, and that work falls within the scope of the Act. Procedures under this Act are separate from the need for planning permission and building regulations approval. 'The Party Wall etc. Act 1996: explanatory booklet' is available at [www.communities.gov.uk](http://www.communities.gov.uk). (I71).**

We thank the Council in advance for its consideration on this matter.

[REDACTED]

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**From:** davidhughes [REDACTED]

**Sent:** 21 August 2025 09:25

**To:** Sivagnanam, Ruba (Cllr) [REDACTED]

3.2

[REDACTED]

**Subject:** Planning Application: Former Care Home 10 Clive Crescent, Penarth: Reference: 2024/00537/FUL

Dear Ruba,

As agreed during our phone conversation the day before yesterday, please find attached the submission I have made regarding the current re-consultation for planning application at 10 Clive Crescent, Penarth: **Reference: 2024/00537/FUL**, copied as agreed to the other two Councillors for the St. Augustine Ward (including Mr Thomas as Chair of the Planning Committee).

As I explained, the developer has made advanced progress with demolition and excavation at No 10 Clive Crescent, disregarding the need for planning permission and the complaints of neighbours. Given the advanced stage of the work, including directly adjacent earthworks, it is now of great concern to us as directly adjacent neighbours that the developer has still not served notice as required under the Party Wall Act 1996. Given this context, it is in our view essential that the Vale of Glamorgan should please include its standard wording on obligations under the Act in any decision on planning permission related to this development. Our request is explained in the attached submission.

My wife Dagmar Baer (in copy) and I as owners of No 11 would be most grateful for this basic level of security regarding our property to be taken into account.

Thanks in advance, best wishes,

David

11 Clive Crescent  
Penarth, CF64 1AT

[REDACTED]

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**From:** David Hughes [REDACTED]  
**Sent:** 02 September 2025 11:58  
**To:** Hobbs, Angharad  
**Cc:** [REDACTED]  
**Subject:** Report for Planning Committee - 2024/00537/FUL, No 10 Clive Crescent

Dear Angharad,

I just wanted to clarify the message I left on your voicemail earlier this morning. I have read the report for the Planning Committee on 11 September and there is a small - but highly important (to my family and me)! - error in it. You will remember that we spoke about the need to include the standard reference to the Party Wall Act, due to the required excavations directly adjacent to my house: I was pleased to see such a reference recommended in the report - but unfortunately it is included with regard to the wrong house! The recommendation for a reference to obligations under the Party Wall Act is included in the section of the report on No 9 Clive Crescent. To my knowledge, the residents at No 9 have never demanded this ( though I'm quite happy for the reference to appear there as well, of course). The request for such a reference came from me and was explained in my submission to the most recent re-consultation. Could you please ensure that the section dealing with my house (No 11) includes, as we discussed, a recommendation to include the standard Vale reference to obligations under the Party Wall Act. Given the whole background to this development, this would provide at least a very basic level of security for us as owners and occupants of No 11 going forward.

Just to let you know as well that I am registered as a speaker at the Committee.

Many thanks in advance.

Best regards,

David (Hughes)

[REDACTED]

Sent from my iPhone  
David Hughes  
[REDACTED]

## MATTERS ARISING FOR COMMITTEE

**COMMITTEE DATE : 11 SEPTEMBER 2025**

<b>Application No.:</b> 2024/00537/FUL	<b>Case Officer:</b> Angharad Hobbs
<b>Location:</b> Cliff Haven Residential Home, 10 Clive Crescent, Penarth  <b>Proposal:</b> Partial demolition to former care home and rebuild. Proposed rear and side extensions and conversion of building to two dwellings and proposed two storey side extension to provide third dwelling. Proposed alterations throughout the site to include the addition of retaining walls and alterations to levels.	

**From: Applicant email, dated 6 September**

### **Summary of Comments:**

- Affordable housing requirement has been tested through an independent Development Viability Assessment carried out by the District Valuer Service on behalf of the LPA.
- DVS says the scheme without any financial policy requirement is considered unviable.
- Llewellyn Investments has purchased the site
- Site has failed in previous uses and risked remaining vacant
- Proposed scheme represents realistic opportunity for its regeneration
- There is a pressing need for additional private housing
- Llewellyn Investments are builders by profession and are able to mitigate certain development costs and also have flexibility to hold and let the properties
- Whilst non-viable, choosing to proceed at risk

### **Officer Response:**

Comments are noted and an assessment of viability has been provided in the Officer's report to committee.

### **Action required:**

No action required.

**From:** Rhys Llewellyn [REDACTED]  
**Sent:** 06 September 2025 07:10  
**To:** Hobbs, Angharad  
**Cc:** Butler, Stephen; [REDACTED]  
**Subject:** 10 Clive Crescent supporting email

Steve/Angharad

The Council's affordable housing policy has been robustly tested through an independent Development Viability Assessment (DVA) carried out by the District Valuer Service (DVS) on behalf of the Local Planning Authority.

The DVS say, 'It is significant to note that the scheme assessed without any financial policy requirements *produces a deficit of around £466,838 and is also considered unviable. Therefore, the deliverability of the proposed development may be a concern. Importantly, this loss was shown even after assuming zero affordable housing policy obligations and taking into account the actual land acquisition price already paid by the developer*

This indicates that the project is not viable in policy terms. The Local Planning Authority has accepted this conclusion, recognising that requiring the full commuted sum of £116,322 would render the scheme entirely undeliverable.

In addition committee members should note:

- Llewellyn Investments has already purchased the site.
- The site has failed in its previous uses and risked remaining vacant or under-utilised without this investment.
- The proposed scheme represents the first realistic opportunity for its regeneration.
- Llewellyn are fully committed and will deliver this much needed residential accommodation
- The Vale of Glamorgan has a pressing need for additional private housing, not only to meet ongoing demand but also to help free up existing affordable units

Llewellyn Investments are also builders by profession and are therefore able to mitigate certain development costs, such as contractor's profit, preliminaries, internal project and site management, risk management, and VAT saved through direct employment of trades. We also have the flexibility to hold and let the properties to achieve a long-term return or may be able to improve sales values through active marketing.

For planning committee members, the key point is that although the scheme is technically non-viable under strict policy testing, we are choosing to proceed at risk because of our dynamic business model, our ownership of the site, and our commitment to its regeneration. The fact that we are prepared to deliver a scheme that is marginal or loss-making in policy terms should not be taken as a flaw in the viability process, but rather as a demonstration of our willingness to invest for the long term.

Accordingly, the planning balance is clear:

- The site has failed in its previous uses but is now under committed ownership with a deliverable proposal.
- Llewellyn Investment's background and approach mean the scheme can still be built despite its marginality.
- Llewellyn Investment's has the option to retain the completed units as an asset. By holding and letting the properties, the developer can achieve a steady income stream and benefit as rental values rise over the coming years. This long-term approach provides an alternative business model that makes delivery realistic, even where the scheme shows a deficit at today's values."

On this basis, members can be reassured that approving the application is consistent with policy, and will finally bring this failed site back into beneficial use.

Kind regards

R Llewellyn  
Director



**MATTERS ARISING FOR COMMITTEE****COMMITTEE DATE : 11 SEPTEMBER 2025**

<b>Application No.:</b> 2024/00537/FUL	<b>Case Officer:</b> Angharad Hobbs
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**Location:** Cliff Haven Residential Home, 10 Clive Crescent, Penarth

**Proposal:** Partial demolition to former care home and rebuild. Proposed rear and side extensions and conversion of building to two dwellings and proposed two storey side extension to provide third dwelling. Proposed alterations throughout the site to include the addition of retaining walls and alterations to levels.

**From: Neighbour, Seascape, 10 September, 2 no. emails**

**Summary of Comments:**

- Application should be deferred – documentation is deficient and errors in application
- Request for new viability and new ecology / biodiversity statements disregarded
- No full tree survey provided and Treescene report is not on file
- Proposed site plan indicates tree canopies and it fails to show the front garden and trees
- Condition 9 endorses a defective plan and would secure trees at the rear for the remainder of the development only
- Planning Officer may have told applicant that tree survey is not required and no correspondence is on file
- Comments regarding the description of development and false statements in application form
- Condition 6 wrongly implies it will have the previous drainage rights
- VOA independent assessment of viability is omitted from the file
- No objector letters from June, July and August are on file
- Comments from Cllr Thomas dated 24 June are not on file
- Responses from the case officer to neighbour are not on file
- Representations from 22 August are omitted and not on file, though TC comments dated 19 August are included. The latter is quoted and the former ignored.
- Comments regarding redaction.
- GIS is unacceptable
- Condition to require replacement of wildflowers if they die in 5 years is nonsensical
- Need to reject a plan that implies a loss of green infrastructure
- Planting of wildflower entails removal of trees and mature hedgerow and is inconsistent with condition 9 which seeks details of tree protection
- Need to reject a planning proposal with no significant net increase in biodiversity
- Tree Officer should have been consulted
- TEMPO assessment on Walnut tree was not posted on file for consultation and is valueless
- New viability assessment is needed

**Officer Response:**

- Comments are noted regarding requests for ecology / biodiversity statements. An assessment on biodiversity enhancements has been included in the Officer's Report. Given the nature of the proposals, in this instance an ecological survey was not requested.
- Comments regarding omission of comments from Cllr Thomas are noted and will be exported.
- An assessment on trees is provided in the report for Committee and a survey was not requested in this instance. Whilst it is noted that there was a tree survey carried out on one tree for a previously refused application, this cannot be exported to the website as a document for the current application as the LPA do not have the correct

permissions to do so. However, it is information that is available to the authority and as such, is a material planning consideration.

- The VOA independent assessment has been available on the planning register and was online during the recent consultation exercise.
- An assessment on viability has been made in the Officer's report and whilst comments regarding amended viability assessments is noted, it is not considered necessary in this instance.
- Comments regarding representations not being online are noted and this is currently being actioned.
- Comments regarding correspondence from the Officer to the neighbour are noted, however, such correspondence is not exported to the planning register.
- Representations received by neighbours / third parties are not dated in the Officer's report and points made are summarised. Any comments received on the planning application prior to the finalisation of the Officer's report have been considered.
- Comments regarding censoring comments are noted – however, the LPA have a duty to ensure that any potentially defamatory comments are not exported.
- Comments regarding green infrastructure are noted and with regards to the reference to condition 9 (which seeks details of protection for trees) please see further matters arising note from the Officer.

**Action required:**

Comments noted – no further action required.

**From:** max wallis <[REDACTED]>  
**Sent:** 10 September 2025 10:08  
**To:** Planning; Hobbs, Angharad  
**Cc:** [REDACTED]  
**Subject:** Late Reps to Planning C'ttee 11 Sept. 2025 App. 2024/00537/FUL  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

## **Development at Cliffhaven nursing home, 10 Clive Cres /2024/00537/FUL**

The item should be deferred as the documentation is badly deficient and the Application replete with errors due to the unauthorised building work

### **Requests for new viability and new ecology / biodiversity statement disregarded**

**Cllr Neil Thomas** asked (24 June 2025) for a new viability statement and new ecology / biodiversity statement, but his letter is omitted from the file.

No **full tree survey with accompanying plan**. The report implies the 2022 *Treescene* report is the required full survey. That report covered a single (veteran, walnut) tree, not the dozen trees on-site. The officer has refused to post the *Treescene* report in the file, for the committee to easily check.

The Appendix to the GIS showing no trees in the GIS plan is no longer accepted, instead using the *Proposed site plan*. While this indicates tree canopies', there is no **full tree survey** to support it and fails to show the front garden trees and the rear mature hedgerow (counts as GI). The proposed Cdn 9 would appear to endorse that defective plan. It would secure indicated trees at the rear for *remainder of the development* only, not as part of a green infrastructure plan that policy requires. I guess Ms Hobbs told the developer early on that no tree survey was needed because of the 2022 report, but no records of e-mails or phone calls with the developer are on the public file - you might check.

### **Changed structure resulting from permitted and unauthorized development**

Though withdrawn from the 12 June Committee for an amended planning application, that of 23/24 June is replete with material errors and unacceptable omissions. It even claimed "conversion" of the extension of which nothing exists - the officers agreed to adjust this absurdity on 1st August, but her report downplays the extensive demolition, and ignores the fact of enforcement via a Stop-Order (with further demolition immediately the Order expired). My point (e-mail not posted on file) that the removal of the old extension and footings means the third self-contained house is new-build and can no longer be called conversion of the "extension" is not reported.

The report disregards the fact that the rebuild of the shell of the main house is *redevelopment* of a gutted roofless structure (not of a vacant nursing home as stated) into two dwellings. Condition 6 wrongly implies it will have the previous drainage rights. Construction of new SUDS-compliant drainage is needed in the plans. Though I have put the point, my letter is omitted from the file.

### **Omitting letters (and argued points) from the case-file.**

No letter from objectors in June and later are on file. The cut-off date was extended to 22 August.

Cllr Neil Thomas is cited as replying 24 June, but that letter is not on file

Though Ms Hobbs sent me a couple of replies, neither those or the originals are in the public file.

My representations of 22 August are omitted, though the Town Council's supportive email dated 19 August is included. The latter is quoted and the former ignored (though acknowledged).

The emails reproduced in the "Matters Arising" of 12 June are omitted, one of which (3 June) had a sentence blacked out (discomforting for Ms Hobbs):

[REDACTED]  
[REDACTED]  
This censoring breaches professional conduct; it is related to Ms Hobbs' approach to the changed application.

### **Downplaying the unauthorized building work**

Faulty statements in the amended application form (23 June, posted 24 June) are accepted:

*care home but is now vacant* rather than demolition site; *side extensions are proposed to provide 3 dwellings* when the third is a new-build self-contained dwelling; Includes old plans Existing side elevation; Existing ground floor that no longer show the reality.

Off-hand reference to "*Some demolition ...as such... includes an element of re-build*"; does not mention enforcement action had been needed, because the builders continued work after being told to stop. Just comments the permitted and unauthorized works were "*regrettable*".

### **Refusal to pay regard to the Principle of effectiveness**

This point was blacked out this point from my e-mail of 3 June (12 June 'Matters Arising')  
[REDACTED]  
[REDACTED]

The officer report shows the opposite, in favouring the [REDACTED] by not requiring - a corrected Application which would require applying for the third house as new-build, a fresh viability report, plans for drainage/SuDS construction, proposals for enhancing biodiversity.

Contrary to the very principle, it gives more lenient treatment to this *intentional* unauthorised development.

### **The GIS (Green Infrastructure Statement) is unacceptable\*\***

The submitted GIS (Oct.2024) was fatally flawed, in claiming the trees and hedges don't exist or foreign species of no value. As the site is crowded with trees, the authors cannot have viewed the site. The GIS doesn't record the existing green infrastructure.

Its proposal of a wildflower meadow is incompatible with retention of valuable trees. Proposing in Condition 1 to endorse the GIS while excluding GIS Appendix (showing the wildflower strip) breaches the PPW12 requirement to *describe how green infrastructure has been incorporated into the proposal* (the proposed wildflower meadow strip and planters are not 'green infrastructure').

Conditioning wildflower re-planting, requiring replacement if they die within 5 years, is nonsensical for diverse annuals and biennials, which may or may not reseed naturally.

\*\*PPW12 says 6.2.12 A green infrastructure statement should be submitted with all planning applications

### **Need to Reject a plan that implies a loss of Green Infrastructure**

The wildflower planting of Cdn 10 entails removal of trees and mature hedgerow, both being infrastructure conserved by policy. It is inconsistent with Cdn 9 requiring *a scheme for the protection of all trees within the site*.

The site plan recommended is defective in omitting significant green infrastructure – including the mature hedgerow in rear garden and mature large trees and hedgerow fronting the road.

There has been no check that the site plan records all trees on site; it omits the hedges and the trees on the frontage that would have been obvious on cursory inspection by officers.

Pending the required *full tree survey* and correction of the site plan, the required scheme for protection of trees may be void for uncertainty. With no record of the mature hedgerows, Cdn 9 would allow the removal of that disregarded 'green infrastructure'.

### **Need to Reject a planning proposal with no significant net increase in biodiversity**

PPS12 6.4.12 says *Where biodiversity enhancement proportionate to the scale and nature of the development is not proposed as part of an application... it will be necessary to refuse permission*.

The report chooses instead to quote PPS12 section 6.4.5 where the proportionality principle is not given.

The report states the GIS proposals of a wildflower meadow strip and three patio-planters would be of biodiversity benefit without balancing the losses. The current wilderness area is just what RSPB etc. recommend for urban gardens, with refuges for small birds and invertebrates, and providing berries and other wintertime foods. It's by far

superior for *foraging and refugia opportunities* (quoted from the GIS) compared with the wildflower meadow and planters. As no evidence from the Council's Ecology officer is given, the claim for biodiversity benefit from substituting a wildflower strip for a wilderness strip is an uninformed assumption by an unqualified planner. The [REDACTED] GIS writer did not even see the wild area and hedgerow that they proposed to lose.

The report does accept the biodiversity benefit is not proportionate (even neglecting the wilderness losses) so proposes Cdn 11 to produce a biodiversity enhancement strategy. This fails to meet PPS requirement to be part of the application. If no way is found for adequate enhancement on-site, but has to be done off-site, it cannot be conditioned in this application. Nor can a S106 requirement be set without a specific off-site plan.

Cllr Neil Thomas, Committee chair, requested a new ecology / biodiversity statement, a request that is fully justified on the above arguments. Accepting the GIS claimed benefits fail the proportionate hurdle.

### **Fatally flawed TEMPO assessment**

Unlike the 12 June Committee report, this one concedes the 2022 Treescene report was not the *full tree survey and accompanying plan* as it implied and apparently mistakenly accepted by the 2022 planning officer. It also concedes the TEMPO assessment referred to in the 12<sup>th</sup> June report does not exist. Despite the mistakes, the 2022 officer's conclusion is quoted at length, on the basis that *this (Treescene) information and the previous Officer's conclusion is information that is publicly available*.

As this report does not judge its reliability and the planning officer is unqualified to do so, the Council's Tree Officer should have been asked to judge the *Treescene* information (he was not in post for the 2022 case). Quoting it as if reliable is unprofessional.

The report now presents a TEMPO assessment of the veteran walnut tree, not previously posted on file to allow consultation. This, however, draws on assessments in the *Treescene* report of 2022 (*previous assessment on retention span and condition etc. are still considered relevant*). *Treescene's* 2022 [REDACTED]

[REDACTED] Refusing to post the [REDACTED] *Treescene* report in the file, refusing to consult the Vale's Tree Officer on whether the assessments of 'condition' and lifetime are reliable and using no tree expertise, renders this fresh TEMPO assessment pretty valueless. In any case, the Vale's new Tree Strategy values veteran trees; it was agreed this Strategy would be adopted by the planning department and it over-rides TEMPO, at least in this instance.

### **Changed Viability Assessment needed**

As Cllr Neil Thomas requested (24 June, unposted). The reason for not seeking a fresh one is flawed:

*the current Viability Assessment is still considered of relevance and it is considered that if anything, demolition works are likely to have increased costs etc.*

It's not "current" but old and substantially criticized by the VOA, making its "relevance" quite unclear. It is no sound basis for assessing the S106 contributions. A viability assessment has to be based on the current state of the building, treating expenditure on demolition and construction to date as sunk costs. That work, unauthorized and permitted, is likely to have decreased costs from this point, contrary to the report's uninformed statement.

Max Wallis

3 Penarth Head Lane, Penarth  
(adjacent garden)

**From:** max wallis <[REDACTED]>  
**Sent:** 10 September 2025 09:04  
**To:** Robinson, Ian; Planning  
**Cc:** Thomas, Neil C (Cllr)  
**Subject:** Re: for Urgent attention: Cliffhaven Planning Appln, Penarth 2024/00537/FUL

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Ian Robinson**                      **for urgent attention**

Head Development Control, VoG Planning Dept.,

Dear Ian Robinson

**Development at Cliffhaven nursing home, 10 Clive Cres /2024/00537/FUL**

I note you did not accept my request for Ms Hobbs to be removed from the case. My complaint to the Chief Executive of professional misconduct will have further points.

I now point out the Application is not ready for the Committee this week, with documents withheld from the public file and points unreported and unaddressed.

**Request for new viability and new ecology / biodiversity statements disregarded**

**Cllr Neil Thomas** asked (24 June 2025) that the officer further consider the requirements on biodiversity and ecology. He's reported as requesting a new viability statement and new ecology / biodiversity statement, but his letter is omitted from the file.

**No full tree survey with accompanying plan** . Ms Hobbs repeats the pretence of a *full tree survey* given in her 12 June report, by implying the 2022 *Treescene* report is that survey. Now she has checked that report covered a single (veteran, walnut) tree, not the dozen trees on-site. She has refused to post the *Treescene* report in the file, for the committee to easily check the false claim.

**Changed structure resulting from permitted and unauthorized development**

Though withdrawn from the 12 June Committee for an *amended* planning application, that of 24 June is replete with material errors and unacceptable omissions. It even claimed "conversion" of the extension of which nothing exists - Ms Hobbs adjusted this absurdity, but her report shows abnormal bias towards the developer.

- falsely writes "re-build" the side "extension" when all structures including footings have disappeared and a self-contained dwelling is intended
- disregards the fact that the rebuild of the shell of the main house is *redevelopment* of a gutted roofless structure (not of a vacant nursing home as the applicant states) into two dwellings.
- wrongly implies the previous drainage rights remain (Condition 6) when construction of new SUDS-compliant drainage is needed in the plans. Though I put the point, Ms Hobbs has omitted my letter from the file.

**Excusing the faulty description on the Application Form**

Ms Hobbs says officers knew that original descriptions like "no new-build" are wrong and the signature was from January. You would be aware that false statements made in expectation of financial gain count as [REDACTED]. Officers should require truthful answers, not fall in with [REDACTED]

**Omitted documents/letters (and argued points) from the case-file.**

The VOA independent assessment of viability is omitted from the file.

The Treescene report is missing, while Ms Hobbs makes out this is the required *full tree survey and accompanying plan*

No letter from objectors in June, July and August are on file, including those in the "Matters Arising" of 12 June

Cllr Neil Thomas is cited as replying 24 June, but that letter is not on file

Ms Hobbs' couple of replies to me are missing, as well as my originals.

My representations of 22 August are omitted, though the Town Council's supportive email dated 19 August is included. The latter is quoted and the former ignored (though acknowledged).

**Censoring a discomfoting point in order that the Committee ignores it**

She blacked out part of my e-mail of 3 June, censoring the (discomfoting) sentence

[REDACTED]

She did not post this e-mail in the public file, not that of 22 August repeating the point.

With many documents omitted, lack of the necessary full tree survey and defective GIS plus no plan for biodiversity gain, will you now agree to withdraw the application from tomorrow's planning committee?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## MATTERS ARISING FOR COMMITTEE

**COMMITTEE DATE : 11 SEPTEMBER 2025**

<b>Application No.:</b> 2024/00537/FUL	<b>Case Officer:</b> Angharad Hobbs
<b>Location:</b> Cliff Haven Residential Home, 10 Clive Crescent, Penarth  <b>Proposal:</b> Partial demolition to former care home and rebuild. Proposed rear and side extensions and conversion of building to two dwellings and proposed two storey side extension to provide third dwelling. Proposed alterations throughout the site to include the addition of retaining walls and alterations to levels.	

**From: Planning Officer**

### **Summary of Comments:**

Neighbour comments have been received regarding the green infrastructure submission and also with regards to condition 9, which requires details of protection to existing trees and hedgerow during construction. However, whilst planting is addressed in condition no. 10, it does not refer to landscaping following completion.

### **Officer Response:**

It is considered necessary to amend the wording of condition number 9 to request a scheme of landscaping, in addition to protection and retention of existing trees on site.

It is also considered necessary to add an additional condition to require implementation of the scheme and to protect it for 5 years. It should be noted that landscaping cannot be protected for longer than 5 years.

It is also considered necessary to amend condition number 10 to secure details of revised wildflower planting given that it is proposed in an area where there are trees to be retained.

### **Action required:**

#### **Amended condition 9:**

No further works outside of the existing building shall take place, nor any demolition works or site clearance, until there has been a scheme of landscaping submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

**Reason:**

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

*Additional condition:*

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

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

*Amended condition 10*

Notwithstanding the submitted plan no. 22042\_L\_2 'Topographical Survey and layout' (received 8 April 2025) and the Green Infrastructure Statement (received 18 October 2024) a scheme of wildflower planting in line with the landscaping scheme (condition 9), in addition to a timetable for implementation, shall be submitted to and approved in writing prior to the first beneficial occupation or use of the development. The planting shall be carried out in accordance with the approved details and any 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:

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