

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 4 SEPTEMBER, 2019

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

(a) Building Regulation Applications - Pass

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

2019/0159/BR	AC	The Moorwell (former RS Garage) Windsor Road, Penarth CF64 1JL	Proposed alteration to existing G/F retail unit, part demolition of existing 1st floor side and 3rd floor extension to form 12 residential units, on site basement parking, cycle and refuse storage and 1st floor amenity areas
2019/0233/BR	AC	Ysgol Gymraeg Bro Morgannwg, Colcot Road, Barry CF62 8YU	As part of the 21st Century Schools programme, Ysgol Gymraeg Bro Morgannwg is to be refurbished and extended to allow for an expansion in its current capacity to 1,660 pupils. The existing sports hall (with associated changing provision) and MFL teaching block (located adjacent the existing car park) will be demolished. Five new extensions are proposed across the site to replace accommodation which is no longer fit for purpose and allow for the aforementioned increase in capacity: A new single storey staff/visitor entrance and administration building. A new three storey circulation and staff building. A new sports hall

			and adjacent three storey teaching block. A single storey extension to the existing DT department. An extension to the existing dining area to create a new kitchen. The total area of new buildings is 3800m2. The total area of refurbishment is 4200m2
2019/0247/BR	AC	Whitmore High School, Port Road, Barry	3 storey co-educational secondary school building. Single storey detached MEP plant building and single storey 3 bed caretakers bungalow
2019/0387/BN	A	21, Highwalls Road, Dinas Powys	2 rooms into 1
2019/0402/BN	A	77, Jenner Road, Barry	Like for like replacement of slate roof
2019/0442/BR	AC	Hazel Court Ponds, B4268 Llysworney to Pentre Meyrick Boundary	New build rural enterprise workers dwelling
2019/0475/BN	A	1, Dingle Dell, Penarth	Single storey extension, conversion of kitchen to bedroom on first floor
2019/0477/BN	A	8A, Kymin Terrace, Penarth	New dwelling
2019/0522/BN	A	17, Tudor Place, Llantwit Major	Single storey rear extension for kitchen and dining room
2019/0531/BR	AC	30, Cog Road, Sully	Single storey rear extension for kitchen/diner. Vaulted roof. Side garage attached to original house
2019/0532/BR	AC	40, Forrest Road, Penarth	New build house
2019/0541/BR	AC	Castle Bungalow, Peterston Super Ely	Conversion and extension of existing loft
2019/0543/BR	AC	51 Plymouth Road, Penarth	Single storey rear kitchen extension. Single storey rear glazed conservatory replacing the existing structure.

2019/0552/BR	AC	19, Tynewydd Road, Barry	Internal alterations to provide child care, including removal of walls, creating an upstairs toilet with a nappy changing unit, putting up new doors
2019/0553/BR	AC	Middle Hill, Walterston	Proposed two storey extension
2019/0554/BR	AC	104, Lavernock Road, Penarth	Demolition of existing garage and conservatory and construction of a single storey rear/side extension and garage plus associated works
2019/0555/BR	A	36, Cross Street, Barry	Widening various doors throughout property and forming internal ramp from front entrance
2019/0556/BR	AC	6, Vale Court, Cowbridge	Alteration and extension
2019/0557/BN	A	13, Knowbury Avenue, Cosmeston	Single and double storey extension
2019/0559/BR	AC	35, Perclose, Dinas Powys	Single storey side and rear extension
2019/0561/BR	A	Hendre, Sigingstone	Removal of walls and structural support
2019/0563/BN	A	9, Rhos Ddu, Regents Gate, Penarth	Bi-fold window in kitchen at rear doorway into study - becoming utility room off kitchen
2019/0564/BN	A	5, Llys Dwynwen, Llantwit Major	Two storey side and single storey rear, wrap around extension to existing 3 bedroom house
2019/0567/BN	A	7, Port Road East, Barry	Demolition of the existing garage at rear of site and construction of a larger garage and summer house
2019/0568/BR	AC	8, Augusta Road, Penarth	Proposed single-storey rear and side extension with associated two-storey rear extension and roof work

2019/0569/BR	AC	Mill Lodge, Windmill Close, Wick	Removal of an existing uPVC conservatory complete and the erection of a replacement single-storey rear sunroom extension.
2019/0570/BN	A	Great House, Southerndown	Replace 3 windows and knock through wall and install additional window
2019/0571/BN	A	16B, York Place, Barry	Installation of through floor lift from lounge to bedroom
2019/0572/BN	A	Old Farm, Bonvilston	Dormer above garage to form shower room to side elevation and Velux window on opposite elevation
2019/0573/BN	A	8, Larchwood, Wenvoe	Orangery to rear of dwelling
2019/0574/BN	A	41, Smithies Avenue, Sully	Removal of load bearing internal wall and enlargement of opening in rear external wall and associated structural alterations
2019/0575/BN	A	23, Wesley Avenue, Rhoose	Single storey extension to enlarge kitchen and diner
2019/0576/BR	AC	Dinas Powys Football Club, The Murch, 1, Sunnycroft Lane, Dinas Powys	Install 2 WC's and wash hand basin in changing rooms
2019/0579/BN	A	1, Edmund Place, Barry	Over render
2019/0580/BN	A	11, Edmund Place, Barry	Over render
2019/0581/BN	A	4, Lowden Terrace, Barry	Patch pointing and render repaint
2019/0582/BN	A	2, Henry Street, Barry	Render
2019/0583/BN	A	4, Henry Street, Barry	Render
2019/0584/BN	A	8, Henry Street, Barry	Render
2019/0585/BN	A	33, Bedlington Terrace, Barry	Patch pointing and render repaint

2019/0586/BN	A	14-24, Treharne Road, Barry	Repointing and re-render
2019/0587/BN	A	61, Treharne Road, Barry	Patch pointing and render repaint
2019/0588/BN	A	22, College Road, Barry	EWI
2019/0589/BN	A	3, Alexandra Crescent, Barry	Minor works
2019/0590/BN	A	2, Cynan Close, Barry	Over render
2019/0591/BN	A	4, Cynan Close, Barry	Over render
2019/0592/BN	A	2-12, Dylan Crescent, Barry	Repoint/re-render and repaint
2019/0593/BN	A	1, James Street, Barry	Repointing and over render
2019/0594/BN	A	2, James Street, Barry	Repointing and over render
2019/0595/BN	A	3, James Street, Barry	Repointing and over render
2019/0596/BN	A	4, James Street, Barry	Repointing and over render
2019/0597/BN	A	5, James Street, Barry	Repointing and over render
2019/0598/BN	A	6, James Street, Barry	Repointing and over render
2019/0599/BN	A	2A, Cardiff Road, Barry	Over render
2019/0600/BN	A	3A, Cardiff Road, Barry	Repoint, paint and over-render
2019/0601/BN	A	4A, Cardiff Road, Barry	Repoint, paint and over render
2019/0602/BN	A	5, Gwilym Place, Barry	Over render
2019/0603/BN	A	6, Henry Street, Barry	EWI
2019/0604/BN	A	20, O'Donnell Road, Barry	Full refurb
2019/0607/BN	A	38, Adenfield Way, Rhoose	Single storey side extension. Internal alterations and renovations including new windows
2019/0609/BN	A	6, Clare Drive, Brookfield Park, Cowbridge	New windows and patio doors, new front door

2019/0610/BN	A	57, John Batchelor Way, Penarth	Steel and glass balcony with replacement UPVC door on front elevation
2019/0611/BR	AC	16, Birch Lane, Penarth	Single storey rear extension
2019/0613/BR	AC	Midwell, West End, Llantwit Major	Single storey extension provide sun lounge and bedroom
2019/0614/BN	A	48, Fontygary Road, Rhoose	2 storey extension to back of house - extra 2 bedrooms upstairs and kitchen diner downstairs
2019/0615/BN	A	Woodlands, Beach Road, Southerndown	To create 3 openings on existing internal walls, one on the ground floor and two on the first floor
2019/0616/BN	A	20, Cedar Way, Penarth	Two storey extension to enlarge lounge and add dining room downstairs, add bedroom upstairs and reconfigure existing layout
2019/0617/BN	A	106, Morel Street, Barry	Loft conversion with dormer
2019/0618/BN	A	30, Sycamore Crescent, Barry	Single storey extension to enlarge kitchen/dining area, extension to front to extend living room and garage. Garage to be converted to hobbies room and install downstairs WC and wet room
2019/0619/BN	A	32, Fonmon Park Road, Rhoose	Single storey extension
2019/0621/BN	A	1, Westminster Drive, Sully	Single storey rear extension to replace UPVC conservatory
2019/0622/BN	A	3, Blenheim Close, Barry	Conversion of garage to living room with bathroom

2019/0623/BN	A	Land at and adjacent to 1 and 2, Stone House, St. Lythans Road, Dyffryn Springs	erection of a sustainable (energy positive) rural exceptions bungalow, new access and associated works
2019/0624/BN	A	Glebe House, Victoria Park Road, Barry	Construction of a new workshop in the garden.
2019/0625/BN	A	15 Bassett Road, Sully, Penarth	Existing garage conversion to a habitable space.
2019/0627/BN	A	8, Meadow Vale, Barry	Single storey extension to create a bedroom at ground floor
2019/0629/BN	A	46, Village Farm, Bonvilston	Single storey - utility room
2019/0630/BN	A	24, Ludlow Street, Penarth	Single storey side extension and associated internal works
2019/0633/BN	A	Oakwood Bungalow, Llanmaes, Llantwit Major, Vale of Glamorgan	Attic conversion
2019/0634/BN	A	10, Boon Close, Barry	EWI
2019/0635/BN	A	92, Clive Road, Barry	EWI
2019/0636/BN	A	70, Coldbrook Road East, Barry	EWI
2019/0637/BN	A	8, College Road, Barry	EWI
2019/0638/BN	A	39, College Road, Barry	EWI
2019/0639/BN	A	41, College Road, Barry	EWI
2019/0640/BN	A	49, College Road, Barry	EWI
2019/0641/BN	A	63, College Road, Barry	EWI
2019/0642/BN	A	81, College Road, Barry	EWI
2019/0643/BN	A	20, Crossways Street, Barry	EWI
2019/0644/BN	A	16, Dafydd Place, Barry	EWI
2019/0645/BN	A	4, Dafydd Place, Barry	EWI
2019/0646/BN	A	14, Dafydd Place, Barry	EWI

2019/0647/BN	A	3, Dafydd Place, Barry	EWI
2019/0648/BN	A	13, Dafydd Place, Barry	EWI
2019/0649/BN	A	5, Dafydd Place, Barry	EWI
2019/0650/BN	A	7, Dafydd Place, Barry	EWI
2019/0651/BN	A	15, Dyfnallt Road, Barry	EWI
2019/0652/BN	A	72, Dylan Crescent, Barry	EWI
2019/0653/BN	A	39, Eagleswell Road, Llantwit Major	EWI
2019/0654/BN	A	1, Geraint Place, Barry	EWI
2019/0655/BN	A	2, Geraint Place, Barry	EWI
2019/0656/BN	A	5, Geraint Place, Barry	EWI
2019/0657/BN	A	424, Gladstone Road, Barry	EWI
2019/0658/BN	A	426, Gladstone Road, Barry	EWI
2019/0659/BN	A	436, Gladstone Road, Barry	EWI
2019/0660/BN	A	19, Glanmor Crescent, Barry	EWI
2019/0661/BN	A	1, Heol Dewi Sant, Barry	EWI
2019/0662/BN	A	10, Holland Way, Barry	EWI
2019/0663/BN	A	20, Holland Way, Barry	EWI
2019/0664/BN	A	1, Islwyn Way, Barry	EWI
2019/0665/BN	A	315, Lower Gladstone Road, Barry	EWI
2019/0666/BN	A	317, Lower Gladstone Road, Barry	EWI
2019/0667/BN	A	321, Lower Gladstone Road, Barry	EWI
2019/0668/BN	A	325, Lower Gladstone Road, Barry	EWI

2019/0669/BN	A	3, Mcquade Place, Barry	EWI
2019/0670/BN	A	3, Merlin Place, Barry	EWI
2019/0671/BN	A	102, Morel Street, Barry	EWI
2019/0672/BN	A	15, Nicholl Court, Llantwit Major	EWI
2019/0673/BN	A	56, Pardoe Crescent, Barry	EWI
2019/0674/BN	A	117, Phyllis Street, Barry	EWI
2019/0675/BN	A	50, Trebeferad, Llantwit Major	EWI
2019/0676/BN	A	9, Westbury Close, Barry	EWI
2019/0677/BN	A	12, Westbury Close	EWI
2019/0678/BN	A	25, Westbury Close, Barry	EWI
2019/0679/BN	A	7-10, Cae Stumpie, Cowbridge	EWI
2019/0680/BN	A	2, Boverton Road, Llantwit Major	EWI
2019/0681/BR	AC	Plasnewydd, Bonvilston,	Internal alteration and conservatory extension
2019/0682/BN	A	23, Brookside, Treoes	To carry out a garage conversion and take wall away between garage and current kitchen to make larger kitchen. To extend balcony from garage roof out to corner of garden. And to build single skin block shed at end of garden
2019/0683/BN	A	9, Dispenser Road, Sully	Additional insulation on internal wall separating integral garage from living accommodation
2019/0684/BN	A	5, Ivy Street, Penarth	Rear wall and chimney breast knocked out to receive steels. New roof to rear extension
2019/0685/BN	A	7, Heol Corswigen, Barry	Garage conversion

2019/0686/BN	A	42, Tynewydd Road, Barry	Proposed structural opening at ground floor level
2019/0689/BN	A	18, Merthyr Dyfan Road, Barry	Single storey extension to enlarge the kitchen
2019/0690/BN	A	15, Clement Place, Barry	Removal of structural wall and insert of supporting steel
2019/0691/BR	AC	19, Millbrook Close, Dinas Powys	Single storey rear extension
2019/0692/BR	AC	11, Matthew Road, Rhoose	Single storey rear extension
2019/0693/BR	AC	Glanffawydd, Welsh St. Donats	Proposed front, side, rear and first floor extension, detached garage and associated works
2019/0695/BN	A	48-54, Bedford Rise, Llantwit Major	EWI
2019/0696/BN	A	3-6, Cae Stumpie, Cowbridge	EWI
2019/0697/BN	A	1-4, Glyndwr Road, Barry	EWI
2019/0698/BN	A	9-12, Glyndwr Road, Barry	EWI
2019/0699/BN	A	13-16, Glyndwr Road, Barry	EWI
2019/0700/BN	A	14-20, Grange Avenue, Wenvoe	EWI
2019/0701/BN	A	22-28, Grange Avenue, Wenvoe	EWI
2019/0702/BN	A	1-4, Hafren Road, Barry	EWI
2019/0703/BN	A	5-8, Hafren Road, Barry	EWI
2019/0704/BN	A	11-14, Hafren Road, Barry	EWI
2019/0705/BN	A	1-4, Llandinum Road, Barry	EWI
2019/0706/BN	A	5-8, Llandinum Road, Barry	EWI

2019/0707/BN	A	9-12, Llandinum Road, Barry	EWI
2019/0708/BN	A	15-16A, Maes Y Ffynnon, Bonvilston	EWI
2019/0709/BN	A	2-8, Nightingale Place, Dinas Powys	EWI
2019/0710/BN	A	10-16, Nightingale Place, Dinas Powys	EWI
2019/0711/BN	A	30-36, Nightingale Place, Dinas Powys	EWI
2019/0712/BN	A	25-40, Nightingale Place, Dinas Powys	EWI
2019/0713/BN	A	23-29, Plas Esyllt, Dinas Powys	EWI
2019/0714/BN	A	31-37, Plas Essyllt, Dinas Powys	EWI
2019/0715/BN	A	29-35, Lougher Place, St. Athan	EWI
2019/0716/BN	A	13-16, Monmouth Way, Barry	EWI
2019/0717/BN	A	17-20, Monmouth Way, Barry	EWI
2019/0718/BN	A	21-24, Monmouth Way, Barry	EWI
2019/0719/BN	A	25-28, Monmouth Way, Barry	EWI
2019/0720/BN	A	5-6, Croft John, Rhoose	EWI
2019/0721/BN	A	3-6, Cae Stumpie, Cowbridge	Re-roof
2019/0722/BN	A	2-8, Ceri Road, Rhoose	Re-roof
2019/0723/BN	A	1-4, Glyndwr Road, Barry	Re-roof
2019/0724/BN	A	9-12, Glyndwr Road, Barry	Re-roof
2019/0725/BN	A	13-16, Glyndwr Road, Barry	Re-roof
2019/0726/BN	A	1-4, Hafren Road, Barry	Re-roof

2019/0727/BN	A	5-8, Hafren Road, Barry	Re-roof
2019/0729/BN	A	1-4, Llandinum Road, Barry	Re-roof
2019/0730/BN	A	5-8, Llandinum Road, Barry	Re-roof
2019/0731/BN	A	9-12, Llandinum Road, Barry	Re-roof
2019/0732/BN	A	15-16A, Maes Y Ffynnon, Bonvilston	Re-roof
2019/0733/BN	A	13-16, Monmouth Way, Barry	Re-roof
2019/0734/BN	A	17-20, Monmouth Way, Barry	Re-roof
2019/0735/BN	A	21-24, Monmouth Way, Barry	Re-roof
2019/0736/BN	A	25-28, Monmouth Way, Barry	Re-roof
2019/0737/BN	A	5-6, Croft John, Rhoose	Re-roof
2019/0738/BN	A	Ger Y Llan, Llysworney, Cowbridge	Demolish flat roof dormer and replace with apex, giving more floor space to one of the bedrooms, enabling an en-suite within boundary of house
2019/0739/BN	A	170, Jenner Road, Barry	Repair work to bay frontage
2019/0740/BN	A	21, Lord Street, Penarth	The removal of a dividing load bearing masonry wall between the kitchen and lounge room and insertion of steel beam
2019/0741/BN	A	The Grove, Corntown Road, Corntown	Garage conversion
2019/0743/BN	A	25, Heol Leubren, Barry	Garage conversion to bedroom
2019/0744/BN	A	54, Heol Y Frenfines, Dinas Powys	Loft conversion with rear dormer

2019/0745/BR	AC	15, The Meadows, Ystradowen	Rear extension
2019/0747/BN	A	67, Tennyson Road, Penarth	Change of use from bathroom to shower room
2019/0748/BN	A	10, Birch Grove, Barry	Removal of internal load bearing wall.
2019/0749/BN	A	24, Borough Close, Cowbridge	Change of use from bathroom to shower room
2019/0750/BN	A	159, Stanwell Road, Penarth	Single storey detached garage
2019/0751/BN	A	16, Adenfield Way, Rhoose	Renew roof tiles, underfelt, make good any timber rot and renew fascias and guttering
2019/0753/BN	A	10, Cwrt Ty Mawr, Penarth	Single storey extension to create lounge/kitchen area
2019/0754/BN	A	29-46, Dunlin Court, Barry	Replacement of existing roof covering with new Redland roof tiles
2019/0757/BN	A	8, Church View, Marcross, Llantwit Major	Domestic house extension granted to form kitchen dining room and en-suite bedroom
2019/0758/BN	A	4, Lord Street, Penarth	Replace existing annexe pitched roof for new flat roof
2019/0759/BN	A	11, Eastfield Close, (Plot 164) Clare Garden Village, Cowbridge	Garage Conversion to a habitable room
2019/0760/BN	A	22, St. Ambrose Close, Dinas Powys	Proposed single storey extension to front. Existing car port to be converted into habitable usage
2019/0761/BN	A	50, Stanwell Road, Penarth	Removal of supporting wall and insertion of steel RSJ
2019/0763/BN	A	27, John Batchelor Way, Portway Marina, Penarth	Proposed glass infinity balcony
2019/0766/BN	A	7, Ivy Street, Penarth	Remove chimney breast between backroom and extension over two floors

			and refurbish house. Create utility room and toilet to rear of kitchen
2019/0768/BN	A	26, Adenfield Way, Rhoose. CF62 3EA	Replacement of tiles, felt and battens on roof of bungalow and fascia, soffit guttering and downpipes
2019/0771/BN	A	13, Highwalls Road, Dinas Powys	Removal of loadbearing walls to open up kitchen dinner. Widen back wall opening for bifold doors
2019/0775/BN	A	Apartment 2, The Waters Edge, Beach Way, Barry	Patio door and 1 window replacement

(b) Building Regulation Applications - Reject

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

2019/0577/BN	R	Manorstone House, Treerhyngyll, Cowbridge	2 Single storey extensions
2019/0620/BN	R	95, Dobbins Road, Barry	Single storey extension
2019/0628/BN	R	8, Nyth Yr Eos, Rhoose	Garage conversion and removal of wall between lounge and dining room. Bifold doors
2019/0742/BN	R	153, Fontygary Road, Rhoose	Extension of side of existing bungalow incorporating new bedrooms, playroom and utility room. New sitting area to be formed in roof space accessed via new stairs
2019/0752/BN	R	8, Gibbonsdown Close, Barry	Garage conversion into bedroom en suite. Rear extension for a living room
2019/0755/BN	R	18, Bron Awelon, Barry	Single storey extension to side and 1st floor extension to rear
2019/0762/BN	R	20, Ffordd Cwm Ciddy, Barry	Take out wall, fit steel beam, fit aluminium 'patio doors', take out stud wall, refit kitchen and window

2019/0764/BN	R	5, Channel Close, Rhoose	Single storey extension to enlarge kitchen, first floor extension above existing dining room to provide extra bedroom
2019/0769/BN	R	12, Mountjoy Place, Penarth	2 storey side extension
2019/0773/BN	R	42, Uplands Crescent, Llandough	Single storey extension to enlarge the kitchen and replacement garage
2019/0774/BN	R	21, Glastonbury Road, Sully	2 storey rear extension and single storey first floor extension

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

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

2019/0095/AI	A	60, Glebeland Place, St. Athan	Proposed two storey rear extension and single storey front extension
2019/0096/AI	A	20, Fairfield Crescent, Llantwit Major	Proposed single storey/rear extension
2019/0097/AI	A	Headlands School, 2, St. Augustines Road, Penarth.	Internal alterations to classroom block and associated works
2019/0098/AI	A	Brooklands Retail Park, Culverhouse Cross	Fit out works to form a Starbucks
2019/0099/AI	A	Bryn Sion, Penylan Road, St. Brides Major	Alterations to existing listed residence to include the provision of a new first floor to the previous chapel, internal remodelling and provision of roof lights to the existing slate roof
2019/0100/AI	A	91, Broadway, Llanblethian	Modifications to existing bungalow to provide additional first floor, side and front extensions, rear terrace and associated works
2019/0101/AI	A	21, Falcon Road, Barry	Proposed two storey side extension (works to include

			material alterations to structure, controlled services, fittings and thermal elements)
2019/0102/AI	A	Fourwinds, St Lythans Road, Cardiff	Roof alterations, refurbishments and associated works
2019/0103/AI	A	9, Halton Close, Penarth	Structural opening and installation of bi-fold doors in the rear elevation
2019/0104/AI	A	2, Argoed Cottages, Llanharry	Detached double garage (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0105/AI	A	11, Heol Eryr Mor, Barry	Replacement roof to new warm roof construction (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0106/AI	A	The Queen B, 7-8 Washington Buildings, Stanwell Road, Penarth	Existing shop refit (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0107/AI	A	Hillrise, 100, Crompton Way, Ogmore By Sea	Proposed material alteration to dwelling (replacement conservatory roof with solid Leka roof and replacement conservatory door/window frames)
2019/0108/AI	A	Unit 6, Ty Verlon Industrial Estate, Cardiff Road, Barry	Proposed two storey front and rear extension and construction of mezzanine floor (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0109/AI	A	12, Cefn Mount, Dinas Powys	Proposed replacement of existing conservatory roof with new warm roof construction (works to

			include material alterations to structure, controlled services, fittings and thermal elements)
2019/0110/AI	A	Coach House, Rear of 49-50 Glebe Street, Penarth	Upgrade and refurbishment of existing flats
2019/0111/AI	A	7, The Meadows, Penllyn, Cowbridge	Garage conversion and single side garage extension (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0112/AI	A	Heathcote, 46, Broadway, Llanblethian, Cowbridge	Single storey rear extension (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0113/AI	A	Site at Brooklands Retail Park, Culverhouse Cross	Construction of a drive thru Starbucks kiosk with associated works

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PLANNING COMMITTEE : 4 SEPTEMBER, 2019

REPORT OF THE HEAD OF REGENERATION AND PLANNING

2. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS

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

Decision Codes

A - Approved	O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement)
C - Unclear if permitted (PN)	B - No observations (OBS)
EB EIA (Scoping) Further information required	E Split Decision
EN EIA (Screening) Not Required	G - Approved the further information following "F" above (PN)
F - Prior approval required (PN)	N - Non Permittal (OBS - objections)
H - Allowed : Agricultural Condition Imposed : Appeals	NMA – Non Material Amendments
J - Determined by NAFW	Q - Referred to Secretary of State for Wales (HAZ)
L - Approved <u>AND</u> refused (LAW)	S - Special observations (OBS)
P - Permittal (OBS - no objections)	U - Undetermined
R - Refused	RE - Refused (Enforcement Unit Attention)
	V - Variation of condition(s) approved

2012/00586/1/N MA	A	7A, Stacey Road, Dinas Powys	Non-Material Amendment - Amend approved wooden windows to UPVC and removal of code of sustainable homes conditions- Planning Permission ref. 2012/00586/FUL: Renewal of Planning Application 2008/00207/FUL - Erection of a new dwelling
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2013/00833/1/C D	A	Opposite Hensol Villas, Hensol	Discharge of Condition 10 - Travel Plan. Planning Permission ref. 2013/00833/FUL: Creation of sports training pitches, erection of maintenance
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			facilities, associated car parking and internal roadway
2013/01279/1/N MA	A	Land South of Cog Road, Sully	Non-Material Amendment to update Ecology Reports for Conditions 12, 26 and 28. Planning Permission ref. 2013/01279/OUT : Residential development with associated access and associated works (max 350 dwellings)
2015/00960/3/N MA	A	Land at Sycamore Cross, Bonvilston	Non-Material Amendment - Alterations to the location of the approved sub-station. Planning Permission ref. 2015/00960/FUL: Development of 120 homes including affordable homes, new vehicle, pedestrian and cycle access, improvement works to Pendoylan Lane, regrading of site, drainage, landscape works, provision of public open space, demolition of existing modern timber stables and all associated works
2015/01224/1/N MA	A	South Quay (Parkside), Barry Waterfront, Barry	Non-material Amended: Amendment to parking arrangements at Plots 222 and 223. Planning Ref 2015/01224/RES: Development of site known as South Quay (Parkside) for residential development and associated infrastructure works, parking, servicing and landscape (76 dwellings)
2016/00778/2/N MA	A	Chapel Terrace, Wenvoe	Non-Material Amendment - Construction of a retaining wall along the back of the

			parking spaces to the West of the site. Planning Permission ref. 2016/00778/FUL: Demolition of existing buildings and residential redevelopment of land to deliver 15 affordable homes together with associated car parking, landscaping, drainage infrastructure and other ancillary development (resubmission)
2017/00291/1/N MA	A	Greenyard Farm, Argae Lane, St. Andrews Major	Non-material Amendment- Removal of Condition 8 (Bat Licence). Planning Ref 2017/00291/FUL: Change of use of existing stone barn and timber barn to residential, partial conversion of former milking parlour to garage use, the demolition of the remaining milking parlour and steel framed buildings and erection of 12 holiday accommodation units and shower block
2017/00497/1/N MA	A	Arbor Vale, St. Andrews Road, Dinas Powys	Non-Material Amendment - Amendment to the originally approved traffic calming surfacing at entrance into the site. Planning Permission ref. 2017/00497/FUL: Retention of the development for 24 residential units granted planning permission by virtue of applications 2015/00954/FUL and 2016/00494/FUL with an amendment to the parking layout to serve that development

2017/00564/10/C D	A	St. Athan Northern Access Road	Discharge of Condition 6- re-surfacing. Planning ref 2017/00564/FUL: Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations
2017/00564/4/N MA	A	Northern Access Road, St Athan	Non-Material Amendment - Proposed amendment to text of Condition 25 to omit the requirement of low noise surfacing throughout the scheme. Planning Permission ref. 2017/00564/4/NMA: Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations
2017/01197/1/C D	A	Land to the east of Holm View Leisure Centre, Barry	Discharge of Conditions 3- Details (Levels/Sections), 7-Drainage or General - Foul and Surface., 10- CEMP, 11-engineering detail and 12-retaining walls of 2017/00260/RG3

2017/01197/2/C D	A	Land to the East of Holm View Leisure Centre, Barry	Discharge of Conditions 8 - Materials in construction and 16 - Hedgehog accesses in all site fences. Planning Permission ref. 2017/01197/RG3 : Variation of Condition 2 of Planning Permission 2017/00260/RG3 - Revision to design of dwelling at Plot 8
2017/01297/1/C D	A	The Court, 4, Mount Pleasant, Barry	Discharge of Conditions 5 (Window Design) and 6 (Archaeology) - Planning permission reference 2017/01297/FUL - Change of use to B1 classification. Proposed renovation of the existing West coach house to allow for office accommodation, and formation of link between existing West and East coach houses. Existing timber greenhouse to be renovated to allow for office kitchen and WC facilities and sun room. Link to be formed between the East coach house and greenhouse at The Court, 4, Mount Pleasant, Barry.
2018/00072/1/C D	A	The Tower, Tower Hill, Penarth	Discharge of Conditions 3 - Schedule of materials and 4 - Further details of doors and windows. Planning permission ref. 2018/00072/FUL: External and internal alterations
2018/00136/1/C D	A	Ashdene, 10, Bridgeman Road, Penarth	Discharge of Conditions 5- Provision of Parking, 6- Landscaping Scheme and 10-Materials Details. Planning Ref 2018/00136/FUL: Conversion of existing house in to 3 apartments.

			Extensions to property to provide a further 6 apartments
2018/00345/FUL	R	Plot of land, The Limes, Cowbridge	Erection of 2 No. two storey blocks each containing four units, each unit consists of two bedrooms and two living rooms to accommodate elderly persons
2018/00755/FUL	A	The Coach House, Bonvilston	Extension to first floor on front and side elevations. Extension to ground floor - kitchen. Additional windows to first floor side. Enlargement to rear patio doors. Replacement of fence with stone wall and fencing.
2018/00893/LBC	A	Headlands East Terrace, Headlands, Hayes Point, Hayes Road, Sully	Redirect existing downpipe and alterations to existing windows to introduce vents
2018/00967/2/N MA	A	1, Stone House, Land adjacent to Doghill Farm, Dyffryn	Non-Material Amendment - Amendments to the windows to the southern elevation of the property, from a sliding system to one fixed glass panel and one patio door; and Modification to the opening system for all windows which now will be side or bottom hung windows instead of turn and tilt. Planning Ref- 2018/00967/FUL: Conversion of two semi-detached properties into a single detached property and erection of a sustainable (energy positive) rural exceptions bungalow, new access and associated works

2018/00980/FUL	A	Cwrt Yr Ala House, Michaelston Le Pit, Dinas Powys	Conversion and minor alteration of ext. garage into 1 no. 2 bedroom holiday let, conversion and alteration of 2 no. existing external store rooms within Old Dairy into 1 bedroom and en suite and reinstatement of missing boathouse construction atop existing stone plinth / base walls
2018/01077/FUL	A	Doghill Farm, Dyffryn	Erection of a rural enterprise workers dwelling
2018/01196/1/C D	A	Church Farm, Welsh St. Donats	Discharge of Conditions 4- Materials Details, 7- Landscaping Scheme and 10-Foul and Surface Water Drainage. Planning ref: 2018/01196/FUL-Erection of a principal dwelling for a Farm Manager
2018/01231/6/C D	A	Canna Studio, Ruthin Road, Llangan	Discharge of Conditions 17 - Landscaping Scheme and 19 - Biodiversity. Planning Permission ref: 2018/01231/FUL. Residential-led mixed use development comprising of 13 affordable homes, 2 additional office buildings, a community building and ancillary development including landscaping, drainage, car parking, creation of a new vehicular access and other assoc. infrastructure at Cwrt Canna, land adjacent to Llangan Primary School, Llangan
2018/01376/1/N MA	A	163, Lavernock Road, Penarth	Changing bay window to front powder coated aluminium windows and cedarwood cladding to full height curtain walling.

			Planning Ref- 2018/01376/FUL: Two storey rear extension, garage conversion and external alterations
2018/01428/1/C D	A	1, Castle Green, St. Georges Super Ely	Discharge of Condition 3 - Written Scheme of Investigation. Planning permission ref. 2018/01428/RG3 : Structural refurbishment of existing dwelling including demolition and reconstruction of external walls, demolition and replacement of existing rear extension, alterations to the existing fenestrations and removal of chimney
2018/01429/1/C D	A	2, Castle Green, St. Georges Super Ely	Discharge of Condition 3 - Written Scheme of Investigation. Planning permission ref. 2018/01429/RG3 : Structural refurbishment of existing dwelling including demolition and reconstruction of external walls, demolition and replacement of existing rear extension, alterations to the existing fenestrations and removal of chimney
2018/01430/1/C D	A	4, Castle Green, St. Georges Super Ely	Discharge of Condition 3 - Written Scheme of Investigation. Planning permission ref. 2018/01430/RG3 : Structural refurbishment of existing dwelling including demolition and reconstruction of external walls, demolition and replacement of existing rear extension, alterations to the existing fenestrations and removal of chimney

2018/01433/FUL	A	Pen y Bryn, Bottom Farm, Llanmaes	Temporary siting of a rural enterprise dwelling
2019/00061/1/C D	A	5, Castle Green, St. Georges Super Ely	Discharge of Condition 3 - Written Scheme of Investigation. Planning permission ref. 2019/00061/RG3 : Structural refurbishment of existing dwelling including demolition and reconstruction of external walls, demolition and replacement of existing rear extension, alterations to the existing fenestrations and removal of chimney
2019/00085/FUL	A	75, Cardiff Road, Dinas Powys	Change of Use to provide childcare facilities including remodelling, alterations and improvements
2019/00144/FUL	A	21C, Station Road, Dinas Powys	Erection of first floor rear extension and conversion of roof space with small dormer and balconies to the rear, to provide one additional flat
2019/00189/FUL	A	Ancient Druid, 44, Eastgate, Cowbridge	To install iron railings round two sides of the boundary of the curtilage at the front of the house
2019/00190/LBC	A	Ancient Druid, 44, Eastgate, Cowbridge	To install iron railings round two sides of the boundary of the curtilage at the front of the house
2019/00240/FUL	A	The Chapel at Penarth Cemetery, Castle Avenue, Penarth	Change of Use of existing Chapel building from storage facility to a D1 Non-Residential Institution. Siting of 2 Storage Containers to the side of the chapel.

2019/00294/FUL	A	The Old Vicarage, Wick Road, St. Brides Major	Erection of new single storey rear garden room extension. Conversion of former stable and store to provide self contained granny annexe (including remodelling first floor bathroom). Internal alterations to kitchen and dining room including removal of part of wall between. Provision of new garden shed
2019/00325/FUL	R	Maesglas, Bonvilston	Replace current bushes at the front of the house with a fence, up to 2metres high
2019/00332/CAC	A	5, Westgate, Cowbridge	Proposed demolition and change of use from Class A1 (retail) to Class C3 (dwelling) and construction of one 3 bed dwelling, car parking and associated works at No 5, Westgate
2019/00352/LBC	A	The Old Vicarage, Wick Road, St. Brides Major	Erection of new single storey rear garden room extension. Conversion of former stable and store to provide self contained granny annexe (including remodelling first floor bathroom). Internal alterations to kitchen and dining room including removal of part of wall between.
2019/00353/RG3	A	Penarth Library, Stanwell Road, Penarth	A single-storey modern extension to the annex building and enlarging an opening in the existing external wall to create an open plan area. Internal works include existing accessible WC into storage and construction of an accessible WC within a

			new internal lobby between the main library hall and annex building
2019/00360/FUL	A	48, Gwern Close, Culverhouse Cross, Cardiff	Convert garage to extra living room
2019/00396/1/C D	A	Rhyd Forge/Pont Y Rhyd, Llansannor	Discharge of Condition 5 - Surface Water Drainage Details. Planning reference 2019/00396/FUL - Extension to South elevation of existing barn/forge building. Change existing window to doorway on west elevation. Provision of hardstanding to West of barn/forge building
2019/00403/1/N MA	A	25, Heol Leubren, Barry	Non-Material Amendment - Revision to window to accommodate extended shower room. Planning Permission ref. 2019/00403/FUL: Proposed conversion of garage to a habitable room
2019/00420/FUL	A	Fox And Hounds, St Brides Major	Change of use of upper floor from A3 to C1 use
2019/00436/RG3	A	Land at Whitmore High School, Port Road, Barry	Proposed new caretakers house associated with the new Whitmore High School and associated ancillary works
2019/00473/FUL	A	Hamston Fawr, Dyffryn	Proposed extension to first and second floor south elevation to include en suite/dressing room in loft space and balcony at first floor level
2019/00483/FUL	A	153, Fontygary Road, Rhoose	Extension to side/rear of dwelling with rear dormer and first floor balcony

2019/00517/FUL	A	19, Lakeside, Barry	Right-hand side flat roof to a pitched roof, internal alterations, removal of front bays and conservatory. Extension over existing garage roof, dormer extension to rear elevation and a ground floor rear extension. Extension to front porch, extension to the front for a swan view room with roof terrace and alterations to the existing front dormers.
2019/00527/FUL	A	7, Port Road East, Barry	Demolition of the existing garage at rear of the site boundary and construction of a larger garage and summer house
2019/00539/FUL	A	Thaw View, Love Lane, Llanblethian	Single storey extension to front elevation
2019/00542/FUL	A	39, Fontygary Road, Rhoose	Hip to gable attic conversions including dormer and Juliet balcony
2019/00545/LBC	A	Turner House, Plymouth Road, Penarth	Installation of a ramp to the front of the building, new ground floor toilets with disabled access, removal of the first floor toilets, and in their place a basic kitchenette area and alteration to balustrade.
2019/00549/FUL	A	54, Castle Avenue, Penarth	Demolition of existing rear lean-to structure and construction of new replacement single storey extension, Demolition of existing frontal porch structure, and construction of new single storey replacement porch structure. Replacement driveway surfacing using porous pebble resin

			covering. Complete re-rendering of elevations, all with associated external works
2019/00550/RES	A	Pen Onn Farm, Llancarfan	The layout, scale, appearance and landscaping of the development - Agricultural workers dwelling - 2011/00991/OUT
2019/00551/FUL	A	Bwlch Y Gwynt, 19, Marine Drive, Barry	Front, rear and side extensions, alteration to driveway, remodelling and heightening of existing dwelling
2019/00553/FUL	A	Caretakers House, Cowbridge Comprehensive School, Aberthin Road, Cowbridge	The change of use of the existing caretakers house from residential to use for Educational purposes under Use Class D1
2019/00559/LAW	A	De Clare Lodge, Westgate, Cowbridge	Installation of a ground source heat pump system to provide heating and hot water
2019/00560/LBC	A	Paget Rooms, Victoria Road, Penarth	Proposed installation of a lift from the ground floor to the first floor and the installation of disabled access toilets on the first floor; both to increase accessibility within the site.
2019/00561/FUL	A	22, St. Brides Road, Wick	Single storey rear and side extension with internal alterations and construction of new crossover providing 2 No. car parking spaces
2019/00562/FUL	A	Riverside Cottage, Wine Street, Llantwit Major	Demolish part of existing roof to create a new balcony and new glazed extension to the main elevation

2019/00567/FUL	A	24, Ludlow Street, Penarth	Single storey rear extension with lantern rooflight over
2019/00568/FUL	A	10A, Pound Field, Llantwit Major	Supply of craft beer and spirits through a retail shop and mini bar, comprising on and off sales.
2019/00570/FUL	A	56, Heol Collen, Culverhouse Cross	Proposed double storey set back side extension and single storey lean to extension to rear to provide enlarged living space, office area and additional bedroom
2019/00572/FUL	A	54, Fairfield Rise, Llantwit Major	Replace and enlarge rear conservatory. Form landing and raised ramps to give disabled access to rear garden. Existing garage and store to be removed to facilitate the construction of the new project
2019/00573/FUL	A	Tafan Bach Farm, Treerhyngyll	The continued residential use of the dwelling, without complying with the agricultural occupancy condition No. 4 Imposed on 83/00108/OUT and condition 2 of 83/00823/FUL
2019/00574/LBC	A	The Old Chapel, Llysworney	Repair existing frame of windows, scarf and piece as necessary, replace glazing units with new 4/6/4 slim spec low sight line double glazed unit
2019/00576/FUL	A	Isca, Twyncyn, Dinas Powys	Rear single storey extension to dwelling for new kitchen/living. Plus rear extension in garden to provide accommodation for elderly family and new garage

2019/00578/FUL	R	Land adjacent The Rookery and Garden Cottage, Court Drive, Llansannor	Proposed new dwelling
2019/00579/FUL	A	Ysgubor Ty To Maen, Llancarfan, Barry	Demolition of existing conservatory and construction of kitchen and dining room
2019/00580/LBC	A	Dyffryn House and Gardens, St. Nicholas	The proposed works will involve the repair and conservation of external stone work at Dyffryn House. The works will also include cyclical external decoration works and joinery repairs
2019/00581/FUL	A	19, Nant Yr Adar, Llantwit Major	Demolition of existing conservatory. Construction of single storey rear extension and other alterations to property
2019/00582/FUL	A	Ty Coed, Southerndown Road, St Brides Major	New two storey rear kitchen and bedroom extension and single storey garden room extension with associated works
2019/00583/FUL	A	Unit 6, Ty Verlon Industrial Estate, Barry	Change of use of premises to Builders Merchant, external storage yard, replacement means of enclosure, two storey front extension and two storey rear extension.
2019/00585/FUL	A	26, Four Acre, Llantwit Major	Single storey side extension wrapping around to front extension
2019/00587/FUL	A	15, Victoria Road, Penarth	Reinstatement back to single dwelling after being converted to 2 no units. Single storey rear extension to provide kitchen / living space. New

			part replacement windows to front and side elevation (Amendment to application ref: 2019/00078/FUL)
2019/00589/FUL	A	64, Burdons Close, Wenvoe	Conversion of existing garage to habitable space. Garage is integral in the house.
2019/00591/FUL	A	49, Greenmeadow Way, Rhoose	Raise existing back wall to same level as neighbours to reduce the sloping garden
2019/00593/FUL	A	66, Tynewydd Road, Barry	Installation of new pre-cast concrete garage, there is an existing base there so it is just making new garage slightly bigger
2019/00595/FUL	A	1, Dingle Dell, Windsor Lane, Penarth	Single storey rear extension with pitched roof
2019/00600/FUL	A	9, Hunter Street, Barry	New ground and first floor flat within existing infill site
2019/00601/FUL	R	181, Stanwell Road, Penarth	Extension of drop kerb from neighbouring property 179 Stanwell Road. Removal of cast iron fence and bricks, approx. 4.5m of drop kerb extension. Front garden paved. If required, removal of bollard shown in picture 1
2019/00604/FUL	R	102, Andrew Road, Cogan, Penarth	Demolition of existing garage and extension side and rear of existing bungalow, porch to front elevation
2019/00605/FUL	A	Garage, 2, Agnes Street, Cogan, Penarth	To convert the existing building on the site into a compact 1-bedroom residential dwelling with on-site car parking, a small garden, and an open-air courtyard

2019/00606/FUL	A	35, Rhoose Road, Rhoose	Two storey rear extension
2019/00607/LAW	A	2, Willow Close, Penarth	Double and single storey rear extension plus associated works
2019/00608/RG3	A	Land at Sutton Farm, A4226 Five Mile Lane, Barry	Construction of a concrete hard standing to allow visiting HGVs to turn and leave the site in forward gear plus appropriate gates at the entrance
2019/00611/FUL	A	26, West Farm Road, Ogmore By Sea	Introduction of window to South elevation relating to previously proposed works (Planning permission ref. 2017/01082/FUL)
2019/00612/FUL	A	Cadgwith Cottage, 7B, Elm Grove Road, Dinas Powys	Retention of windows and retention of front and back doors
2019/00613/FUL	A	31, Cwm Barry Way, Barry	Demolish existing rear toilet/store and side porch. Construct kitchen extension and new side porch/toilet extension. New drive/vehicular crossover and drive including new front garden walls (low level - 800 high)
2019/00614/FUL	A	32, Ceri Road, Rhoose	Proposed single storey extension to front, side and rear of property. Infill of existing hipped roof and with a new dormer to rear elevation
2019/00615/FUL	A	5, Rhodfa'r Mor, Rhoose	Ground floor side extension and front elevation balcony
2019/00617/FUL	A	Tynewydd Farm, Clemenstone	Proposed side ground floor extension with gym and alterations

2019/00618/FUL	R	Pontsarn Farm, Pontsarn Lane, Peterston Super Ely	Proposed conversion of B1 business building to residential (C3), to include extension, and stables
2019/00619/ADV	A	Waterfront Retail Park, Heol Ceiniog, Barry	1 no. replacement totem sign, 2 no. banner signs and re-positioning of approved pole sign
2019/00620/FUL	A	88, Lavernock Road, Penarth	Proposed entrance porch and canopy to front of existing garage
2019/00621/FUL	A	Trevaughan, Trerhyngyll	The demolition of existing timber conservatory and the construction of a new single storey extension to provide a garage and increased floor space
2019/00623/FUL	A	7, Kymin Terrace, Penarth	Replacement of 2 bay and 3 plain sliding sash windows
2019/00624/FUL	A	3, Caynham Avenue, Penarth	Hallway extension and alterations to existing bungalow
2019/00625/LAW	A	27, Marine Drive, Barry	Kitchen extension with flat roof
2019/00630/FUL	A	24, Pardoe Crescent, Barry	Change of use from C3 (dwelling house) to C2 for a residential care home
2019/00632/FUL	A	13, Goldsland Walk, Wenvoe	Conversion of existing integral single garage into a store room and study
2019/00633/FUL	A	Meuhlau, Cross Common Road, Dinas Powys	Proposed 2 storey / 2 bed annex
2019/00634/FUL	A	Cadoxton Community Centre, Victoria Park, Cadoxton, Barry	To house shipping container to rear of Cadoxton Community Centre-to be converted to provide food storage/cafe, to be available to the community with a 'pay as

			you feel' facility run by Cadog's Corner Development Group
2019/00637/FUL	A	196, Westbourne Road, Penarth	Proposed single storey garage to replace existing garage structure
2019/00638/FUL	A	77, St. Davids Crescent, Penarth	Existing conservatory and utility room to be demolished and replaced with larger open plan living area and utility room. All materials to match the existing
2019/00639/FUL	A	13, Uppercliff Close, Penarth	Proposed single storey rear extension internal alterations and alterations to front elevation
2019/00641/FUL	A	The Grove, Corntown Road, Corntown	Extension and conversion of attached garage to living accommodation and construction of a new double garage within the rear garden
2019/00645/FUL	R	Navron, Boverton Road, Boverton, Llantwit Major	Reconstruction of the stone boundary wall of a lower height, to improve accessible car parking and safer passage for pedestrians
2019/00647/FUL	A	Old Wick Barn, Purlon Farm, Wick Road, Llantwit Major	Construction of timber garage building
2019/00648/FUL	A	7, Andrew Road, Penarth	Single storey rear extension
2019/00650/FUL	A	Heathcliffe, Clive Crescent, Penarth	Variation of Condition 1 of Planning Permission ref. 2014/00965/FUL to extend the permission for a further 5 years

2019/00651/FUL	A	Hen Felin, Colwinston	Variation of Condition 1 to extend the time period of implementation of Planning Permission 2014/00438/FUL: Single storey extension to southern elevation
2019/00653/FUL	A	12, Seaview Drive, Ogmore By Sea	First floor front extension and ground floor rear extension
2019/00658/FUL	A	27, Augusta Road, Penarth	Ground floor side extension
2019/00659/FUL	A	Tan y Lan House, St. Mary Hill	Variation of Conditions 4 and 5 of planning permission 1989/00209/OUT
2019/00668/LAW	A	49, Pontypridd Road, Barry	Single storey rear extension, rear dormer to loft conversion and three Velux windows to front
2019/00670/FUL	A	31, Highwalls Avenue, Dinas Powys	Conservatory extension to side elevation
2019/00671/FUL	A	24, Hastings Avenue, Penarth	Proposed rear and side extension
2019/00672/FUL	R	38, Victoria Road, Penarth	Vehicular access through front boundary and parking area
2019/00676/FUL	A	Mount Pleasant Farm, Llangan	Extension to existing garage
2019/00678/FUL	A	8, Crib Y Sianel, Rhoose	Proposed single storey extension across full width of rear of property to provide additional dining/lounge area
2019/00679/RG3	A	Former Canteen/Office Block, Bus Depot, Broad Street, Barry	Surfacing of the slab area of the former canteen/office block and associated works for purposed incidental to the existing use of the land

2019/00680/FUL	A	Keepers Lodge, St Athan Road, St Mary Church	Single storey oak framed orangery extension to rear
2019/00681/FUL	A	7, Norseman Close, Rhoose	Proposed replacement single storey front entrance porch and rear conservatory
2019/00683/LBC	A	Mount Pleasant Farm, Llangan	Extension to existing garage
2019/00689/FUL	A	13, Robin Hill, Dinas Powys	Single storey rear extension
2019/00697/FUL	A	Heathcliffe, 18, Marine Parade, Penarth	External alterations to building fabric
2019/00702/FUL	R	28, Plymouth Road, Penarth	Remove part of a front boundary wall so as to provide a turning area for a vehicle to exit in forward gear
2019/00708/FUL	R	Cherry Orchard Farm, Welsh St Donats	Upgrading of existing building to form 3 bedroom house with secure tack room
2019/00721/FUL	A	Caer Ceirios, Penmark	Extend to side and rear ground floor new living/breakfast room and kitchen. Remove flat roof to existing first floor rear dormer and construct new pitch roof and re-clad walls

Agenda Item No.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **4 SEPTEMBER, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2019/00007/FUL
Appeal Method: Written Representations
Appeal Reference No: 19/3233215
Appellant: Mr and Mrs Greenaway
Location: 4 Thorn Grove, Penarth
Proposal: Proposed extension and re-modelling works.
Start Date: 25 July 2019

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

None

(d) Enforcement Appeal Decisions

LPA Reference No: ENF/2016/0123/PC
Appeal Method: Public Inquiry
Appeal Reference No: C/19/3221531
Appellant: Mr Gareth Williams
Location: Land at Tir Y Llwyfenni (adjacent to Ty Isaf), Peterston Super Ely
Proposal: Without planning permission, the construction of a dwellinghouse and outbuilding on the land and the material change of use of the land from agriculture to a mixed use of agriculture to a mixed use for agriculture and a residential use.
Decision: Appeal Dismissed / Enforcement Notice corrected and upheld.
Date: 25 July 2019
Inspector: Richard Jenkins
Council Determination: Committee

Summary

The Inspector directed that the appeal should be dismissed and the enforcement notice upheld, subject to necessary corrections.

The Enforcement Notice

The Inspector considered that the breach of planning control alleged within the enforcement notice lacked the necessary precision to establish whether the breach of planning control comprised operational development, in the form of the construction of a dwellinghouse and associated outbuilding, or the material change of use of the land resulting in a mixed agricultural and residential use.

Whilst the Council considered that the residential unit and associated outbuilding comprised operational development, it had also referred to a material change of use in the notice as the 'dwellinghouse' was not defined by a residential curtilage and the residential activity was occurring alongside the agricultural use of the site. The appellant confirmed at the Inquiry however that he considered the residential unit and associated outbuilding to comprise mobile units and that the breach of planning control therefore constituted a material change of use.

The Inspector noted that this matter had obvious implications for the ground (d) appeal, as the relevant immunity period under the ground (d) appeal would be ten years for a material change of use of the land and four years for the construction of a dwellinghouse. He also considered that the decision had wider implications for the consideration of the ground (d) appeal because the exact nature of the breach raised potential issues in relation to whether or not the development represented a 'new chapter' in the history of the site.

The Inspector did not agree with the Local Planning Authority, that the wider residential activity on the land constituted a material change of use in its own right as it appeared that the type of residential activity referred was entirely ancillary to the occupation of the 'dwellinghouse' and the residential activity on the land would cease if the 'dwellinghouse' was to be removed from the land. He considered however that it did not necessarily follow that the breach of planning control constituted operational development and it was therefore necessary to consider the size and permanence of the structures involved, as well as their physical attachment to the ground.

The Council had considered that the development comprised a building operation by virtue of the 'extensive modifications' to the former mobile structures (including cladding, glazing and utility connections), as well as the fact that the interior was furnished with items that would need to be removed for the units to be transported around the site. The Inspector however considered that the structures were of a relatively modest scale and the sheet cladding and UPVC windows did little to alter the mobility of what were originally mobile homes. Whilst noting that some of the cladding and the decked steps would need to be detached and the utilities disconnected for the units to be moved, the Inspector considered that such operations could be

undertaken relatively easily, without altering the structural integrity of the units and did not consider that they comprised a form of operational development. As a result of this and the fact that the wheels and chassis of the residential unit were still intact, with the structures simply resting on concrete blocks, he therefore concluded that the residential unit and associated 'outbuilding' fell within the category of mobile or temporary units.

As a result of this conclusion and the well-established fact that the occupation of a caravan or other such mobile unit comprises the use of land as opposed to operational development, the Inspector determined that the alleged breach of planning control detailed in Section 3 of the enforcement notice, should be corrected to read "Without planning permission, the material change of use of the Land from agriculture to a mixed use for agriculture and a residential use". A further correction was also made to the requirements of the notice in Section 5. to require the appellant to remove the structures from the land.

The Appeal under Ground (d)

The Inspector confirmed that under ground (d), the appeal considered whether it was too late to take enforcement action against the matters alleged within the notice. As the development comprised the material change of use of the land, the relevant immunity period was ten years prior to the date the enforcement notice was issued.

The Inspector considered that whilst the appellant had argued that the land had been used for residential purposes for a period well in excess of the necessary ten years, the evidence indicated that the residential occupation of the land was intermittent and occasional and this was never the appellant's primary residence. Whilst there was evidence of more frequent overnight stays since 2012, there was nothing to indicate that the land was in continuous residential use and the Inspector considered that it would not have been reasonable to have expected the Council to take enforcement action at that time.

The evidence provided appeared to indicate that the appellant's residential occupation of the land was more frequent from 2015 onwards, however the Inspector determined that this would fall significantly short of the ten years necessary to accrue lawfulness. The Inspector noted the appellant's contention that the residential use continued for a period well in excess of ten years and that residential uses may lay dormant without the residential use being lost or abandoned. He identified however that it was well-established in law that a use can only be regarded as having continued for planning purposes, despite periods of being dormant on the ground, if the use had already accrued lawfulness. Such a principle did not therefore apply to a use that is in breach of planning control and not already lawful

The Inspector found that the residential use of the site was not continuous prior to 2015 or lawful at that point and therefore concluded that the appellant had failed to demonstrate that, on the balance of probability, the residential occupation of the land was continuous for the ten years preceding the date the enforcement notice was issued. It was not therefore too late for the

Council to take enforcement action and the appeal under ground (d), therefore failed.

The Appeal under Ground (g)

The Inspector confirmed that under ground (g), the appeal considered whether the time given to comply with the requirements of the enforcement notice was too short. He considered that given that the enforcement notice would not render the occupiers of the land homeless and that the appellant owned other land that could accommodate any affected livestock, the time period for compliance was not too short and therefore concluded that the appeal under ground (g), also therefore failed.

(e) April 2019 – March 2020 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	7	-	7	1
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		7 (100%)	-	7	1
Committee Determination		1 (100%)	-	1	-
Other Planning appeals (inc. appeal against a condition)		-	-	-	-
Enforcement Appeals	W	1	1	2	-
	H	-	-	-	-
	PI	1	-	1	-
Enforcement Total		2 (67%)	1	3	-
All Appeals	W	8	1	9	-
	H	-	-	-	-
	PI	1	-	1	-
Combined Total		9 (90%)	1	10	1

Background Papers

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

Contact Officer:

Mrs Sarah J Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 4 SEPTEMBER, 2019

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved
E Split Decision

R - Refused

2019/00610/TPO	A	The Vale Resort, Hensol Castle, Hensol Park, Hensol	Works to trees covered by TPO No. 4, 2003 - as per supporting documents
2019/00616/TPO	A	Headlands School, Penarth	Works to several trees covered by TPO No 1 of 2010
2019/00626/TCA	A	2, Church Road, Penarth	Work to trees in Penarth Conservation Area: Fell one Sycamore
2019/00635/TPO	A	Bryn Awel, High Street, Llantwit Major	Work to trees covered by Tree Preservation Order No. 3, 1977 - Removal of ash tree suffering from ash die back disease
2019/00673/TCA	A	Headlands School, Penarth	Works to oak tree (T502) in Penarth Conservation Area
2019/00691/TCA	A	Huckleberry, Llysworney	Works to trees in Llysworney Conservation Area: Dismantle 2 Cypress trees to ground level in rear garden

2019/00692/TPO	A	Brookside, 34, Mill Road, Dinas Powys	Work to trees covered by TPO no. 2 of 1954 - T1 Sycamore, remove two lower branches over Garage to the rear of 1 Greenfield Avenue, and prune back lower crown by 2 metres to allow space for Cherry Tree within garden of 1 Greenfield Avenue
2019/00725/TCA	A	St. Illtud's Church, Church Lane, College Street, Llantwit Major	Work to trees in Llantwit Conservation Area: Fell to ground level eight Yew trees and coppice one Elder
2019/00731/TCA	A	St. Quentins House, Castle Hill, Llanblethian	Work to Trees: 1 x Yew Tree to be felled and removed. A new fruit tree is proposed to be planted in the garden
2019/00749/TCA	A	30d, Archer Road, Penarth	Works to trees in Penarth Conservation Area: Removal of 1no. Palm Tree, 1no. Fir Tree and 1no. Euonymus Shrub
2019/00772/TPO	A	St. Illtuds Church, Church Lane, College Street, Llantwit Major	Works to trees covered by TPO-No.3 1977. Fell to ground level the Conifer tree to the right hand side of entrance porch
2019/00780/TPO	A	3, Heol Ty Mawr, Pendoylan	Works to trees covered by TPO No. 04 of 1972: Reduce lower crown of one Oak and re-pollard one Ash

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **4 SEPTEMBER, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. ENFORCEMENT ACTION

i) LAND AND BUILDINGS AT 5, MEADOW VIEW COURT, SULLY

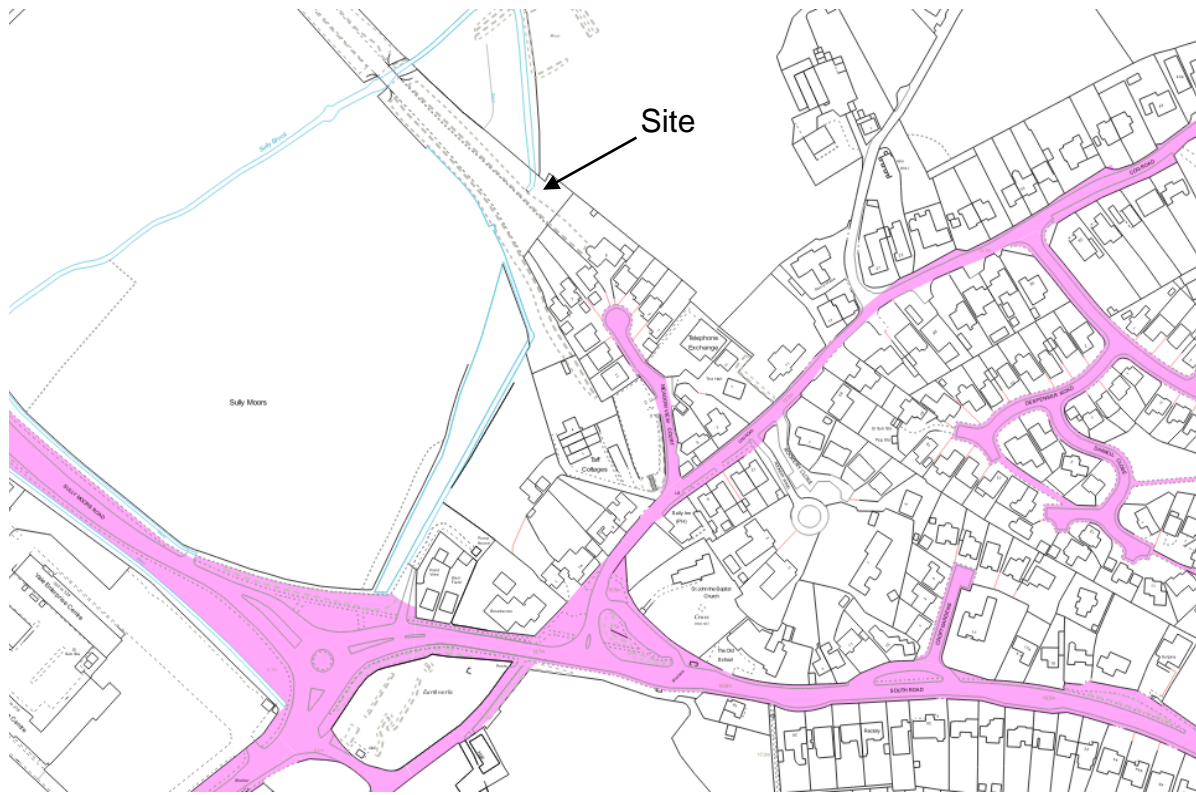
Executive Summary

This report seeks authorisation to issue an Enforcement Notice under section 172 of the Town and Country Planning Act 1990 (as amended) in respect of the change of use of agricultural/forestry land to residential and the erection of an outbuilding. The principal issues are the unjustified residential encroachment onto the agricultural land and the unjustified erection of an outbuilding, for residential purposes, on agricultural land.

The report recommends that an Enforcement Notice is issued requiring the removal of the outbuilding and the cessation of the use of the site as garden. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

Background and Site Description

1. A complaint was received by the Local Planning Authority on 18 June 2019, regarding both the change of use of the land to the rear of 5, Meadow View Court, Sully and the erection of an outbuilding on this land.
2. The site refers to an area of land to the rear of no.5 Meadow View Court, Sully. No.5 itself is served by a two storey detached dwelling and exists within an eleven dwelling cul-de-sac. Agricultural fields, used for grazing, are sited to the East and North of the site and no.5 and the remainder of the dwellings which front onto Meadow View Court are located to the South and East. The site is identified as within a mineral safeguarding zone for sand and gravel and partly within a C2 flood zone.
3. Aerial photography and maps identify that historically, the site formed part of the now dismantled railway which served Sully. Until recently, the site has been forested; the area immediately to the west, southwest and northwest remains forested.
4. The site is identified on the map overleaf:



Details of the Breach

5. An initial site inspection, which related to a complaint received regarding the condition of the land, took place on the 19 June 2019. Whilst carrying out this site visit, it was identified that an outbuilding was being erected on the land to the rear of the dwelling known as 5, Meadow View Court. It was also identified that the site had recently been cleared, this was confirmed by viewing aerial photography from 2017 which showed the site completely covered in vegetation. It was noted during the site visit that the fence which enclosed the garden that serves no.5 was in the process of being removed and there was also a clear intensification of characteristically residential activities on the site; a number of small trees had been planted, the ground levels were being flattened, the outbuilding was in the process of being erected and the site was enclosed by close-board fencing.
6. With regards to whether the outbuilding requires planning permission; it is clear that the site does not exist within the residential curtilage of no.5. As such, the outbuilding would not fall under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, which is applicable for development within the curtilage of a dwellinghouse.
7. When establishing residential curtilage, the case of *Sutcliffe v Calderdale BC* (1982) is of particular relevance. This sets out a threefold test, assessing; the physical layout of the land, the nature of the use of the land and the ownership in order to ascertain the use of the land. In this instance, the site falls short of the physical layout and the nature of the use of the land elements of the test. Previously, the site has differed in terms of its physical appearance and use

from what would be considered a residential use; in 2017 aerial photography identifies that it was heavily vegetated and it was clear that the land was not in residential use. The 2017 aerial photography also demonstrates that the land has not been continuously used as residential for ten years, the period of time that an unauthorised use must be sustained for it to become exempt.

8. Whilst in certain cases, agricultural land may benefit from permitted development rights, the relationship between the site and the surrounding agricultural uses does not lend itself to suggesting that this outbuilding will be used for any agricultural related purpose. In addition, the owners confirmed on site that they did not own any of the surrounding agricultural land and that the outbuilding would be used to house machinery for the maintenance of the site and the garden that serves no.5.
9. With regards to the change of use of the land, the site has been separated from the surrounding agricultural/forestry use by a close-boarded fence and the rear garden fence at no.5 has been partly removed. The levels on the site are being flattened and whereas previously the site was overgrown, it is clear that the land is now being cultivated in a manner that is not uncharacteristic of a residential garden. Also, the outbuilding is being erected at the point of the site furthest from the dwelling for residential purposes. This siting, at the “bottom of the garden” is not uncharacteristic of a residential garden. These facts suggest that the development of the site has been carried out in order to provide a residential garden extension. The change of use of land from agricultural/forestry to residential garden would require planning permission as this is not a permitted change.



10. Aerial photography of the site in 2017 clearly identifies that the land to which this report relates was physically similar to the agricultural/forestry land that it was surrounded by to the north, east and west. It is also apparent that no residential use is taking place on this land.



11. The above image was taken of the site from the rear of the garden that serves no.5 Meadow View Court, Sully on the 19 June 2019. This image clearly shows that the site has been cleared, works are taking place to cultivate the site, a fence has been erected that encloses the site and small plants have been planted. It is also obvious that the rear boundary fence at no.5 is in the process of being removed. The outbuilding that this report also relates to is evidenced in the background, at the “bottom of the garden”.



12. The above image displays the outbuilding, subject to this report sited at the furthest point from the dwelling within the site.

Action Pursued to Date

13. The site was first visited in relation to a complaint about the condition of the land. A large amount of debris had been tipped on the eastern side of the site. This is subject to a separate investigation Ref. 2019/0149/CLL. On the site visit it was noted that the land to the rear of the dwelling, referred to in this report as “the site”, had been enclosed by a fence, was being cultivated, trees had been planted and the outbuilding, also subject to this report, was being erected. It was obvious that no agricultural/forestry use was taking place and the intensification of the use of the land suggested it was being prepared for a garden extension. Also the erection of the outbuilding was noted.
14. On identifying the above, it was considered necessary to create a case separate from the original, to investigate the change of use of the land and the erection of the outbuilding.
15. The owner of the site was contacted by email on the 24 June 2019 and was informed that planning permission would be required for the erection of the outbuilding and the change of use of the land to residential. The matter was discussed at a meeting and it was agreed that it was unlikely that the change of use of the land and the erection of the outbuilding would be acceptable, if an application were received. A letter was sent on the 18 July 2019, informing the owner that if the outbuilding was not removed, the Council would pursue formal planning enforcement action. An email was also sent on the same date informing the owner that a letter was in the post.

16. No response to either correspondence on the 24 June or 18 of July was received. The letter sent on the 18 July stipulated that if no response was received within seven days of the date of the letter, the Local Planning Authority would pursue authorisation to take planning enforcement action to remove the outbuilding and return the use of the land to its original state.

Planning History

17. No relevant planning history exists at the site.

Policy

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY

Managing Growth Policies:

POLICY MG22 – DEVELOPMENT IN MINERALS SAFEGUARDING AREAS

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

POLICY MD7 - ENVIRONMENTAL PROTECTION

POLICY MD9 - PROMOTING BIODIVERSITY

Planning Policy Wales:

19. National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the matters considered in this report.

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

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

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (Landscape)
- 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:

20. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:
- Technical Advice Note 12 – Design (2016)
 - Technical Advice Note 15 – Development and Flood Risk (2004)

Supplementary Planning Guidance:

21. In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:
- Biodiversity and Development
 - Design in the Landscape
 - Mineral Safeguarding

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

Well Being of Future Generations (Wales) Act 2015:

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

Reasons for Serving an Enforcement Notice

23. The principal issues to consider when identifying whether it is expedient to serve a Planning Enforcement Notice include the impact of the change of use of the land to residential and the resultant impacts on the countryside, the visual impacts of the outbuilding and the threat of flooding to the site.
24. Criterion 1 of Policy MD1 of the Vale of Glamorgan Adopted LDP 2011-2026 is paramount in assessing whether it would be expedient to take enforcement action. This relates to the location of new development, and states that “*new development on unallocated sites should have no unacceptable impact on the countryside.*” The policy seeks to emphasise the importance of protecting the countryside from unacceptable and unjustified new development.

25. In seeking to protect the countryside against unacceptable and unjustified new development, Criterion 3 of Policy MD1 sets out the criteria for when new development would be appropriate in the countryside. There is no justification for the change of use of the site; it does not amount to rounding off of the existing settlement of Sully as the site does not form a natural or logical addition to the settlement. In addition, the use of this land for residential purposes would be unacceptable as it would be detrimental to the character of the countryside in this location. The intensification of residential uses in this location would allow for an inappropriate, uncharacteristic domestic egress into the countryside. Furthermore, if action were not considered expedient, an undesirable precedent may be set that would result in a number of other dwellings that adjoin the forested area that was historically the railway, also extending their gardens. This would cause further detriment to the countryside.
26. The site, including the outbuilding, is visible from a public right of way located to the north. When viewed from here, the site sits atop a grass bank and is clearly visible. Criterion 1 of Policy MD2, Design of new Development requires development to: *“Positively contribute to the context and character of the surrounding natural environment”*. The outbuilding does not respond to the character of the surrounding natural environment. It is detached by some distance from the built form that exists on the eastern boundary of Sully and it appears as an incongruous addition to the countryside in this location. For the reasons outlined above, it is therefore expedient to take enforcement action as the proposals are contrary to Policy MD2.
27. Notwithstanding the conclusions above, the aims of the Council’s Design in Landscape SPG requires development to reduce, and wherever feasible, reverse the erosion of locally distinct rural character which results in suburbanisation and the works which are the subject of this report are considered to counter this aim.
28. The supporting text of Policy MD7, Environmental Protection, stipulates that: *“No highly vulnerable development will be permitted within Development Advice Map (DAM) zone C2. Development will only be permitted in areas at risk of flooding where it can be demonstrated that the site can comply with the justification and assessment requirements set out in TAN15.”* The site is a form of highly vulnerable development, as defined within TAN15 and as such the test within TAN 15 applies. The test, as summarised, requires development on C2 Flood Zones to support a local authority regeneration initiative or contribute to key local authority employment objectives, to sustain an existing settlement or region. The garden extension and outbuilding, subject to this report, neither support a local authority regeneration initiative nor do they contribute to key local authority employment objectives. As such, they form unjustified highly vulnerable development in a C2 Flood Zone. Due to the threat of flooding to a highly vulnerable form of development, as defined by TAN15 and identified by the designation within a C2 Flood Zone, it is therefore expedient to take enforcement action.

29. Policy MD9 in the LDP requires new development to conserve and, where appropriate, enhance biodiversity. This is supported by the Council's SPG on Biodiversity and Development and the recently updated PPW. It is not known whether the site has any identified biodiversity interest, however it is not unreasonable to conclude that the unauthorised works (i.e. the removal of mature foliage over of a large area of unmaintained undeveloped field parcel with hard surfacing) will have failed to conserve or enhance any biodiversity that exists in this locality. In the absence of any assessment of the biodiversity value of the site and/or proposed measures to mitigate the impact of this development, it is therefore concluded that the unauthorised development is in conflict with LDP policy MD9, the related SPG, and PPW.
30. Finally, whilst the site is identified within a mineral safeguarding zone for sand and gravel, it is not considered that the unauthorised use would have a significant impact on the possible working of the resource, or conflict with Policy MG22.

Conclusions

31. The use of the site for residential purposes and the erection of the outbuilding is an unjustifiable and unacceptable form of development, contrary to Policy MD1. In conflict with the requirements of Policy MD2 and the Design in the Landscape SPG, the development fails to respect the surrounding natural environment and forms an incongruous addition to the countryside. As identified, the works carried out to the rear of no.5 forms an unjustifiable high risk development within a C2 Flood Zone. In the absence of any assessment of the impact upon biodiversity in the area, the development is unlikely to have conserved or enhanced any biodiversity in the locality.
32. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action to remove the outbuilding from the site, return the site to its former condition and cease the use of the site as residential garden.
33. It is considered that the decision would comply with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Resource Implications (Financial and Employment)

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

Legal Implications (to include Human Rights Implications)

35. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).

36. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

37. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
- (i) Permanently cease the use of the land as residential garden.
 - (ii) Demolish the outbuilding and remove from the land all of the materials resulting from the demolition.
 - (iii) Reinstate and permanently retain a boundary fence at the rear of the garden serving no.5, Meadow View Court, Sully.
- (2) In the event of non compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) The change of use of the agricultural/forestry land to residential garden and erection of an outbuilding on this land is an unjustifiable and unacceptable development that fails to respond appropriately to the countryside setting and is an incongruous addition to the rural location. By virtue of the siting within a C2 Flood Zone, residential development in this location is high risk and also, in the absence of any assessment on the impact the development has had upon biodiversity in the area, the development is not considered to conserve or enhance biodiversity in the locality. As such, the works are contrary to the requirements of Policies SP1 – Delivering the Strategy, SP10 – Built and Natural Environment, MD1 – Location of New Development, MD2 – Design of New Development, MD7 – Environmental Protection and MD9 – Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, as well as the Adopted Supplementary Planning Guidance on Design in the Landscape and Biodiversity and Development, and National Policy contained within Planning Policy Wales (Edition 10, 2018) and Technical Advice Note 15 – Development and Flood Risk.
- (2) It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

Background Papers

Enforcement File Ref: ENF/2019/0170/PRO

Contact Officer - Mr. M. Bayona-Martinez, Tel: 01446 706142

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **4 SEPTEMBER, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5.. ENFORCEMENT ACTION

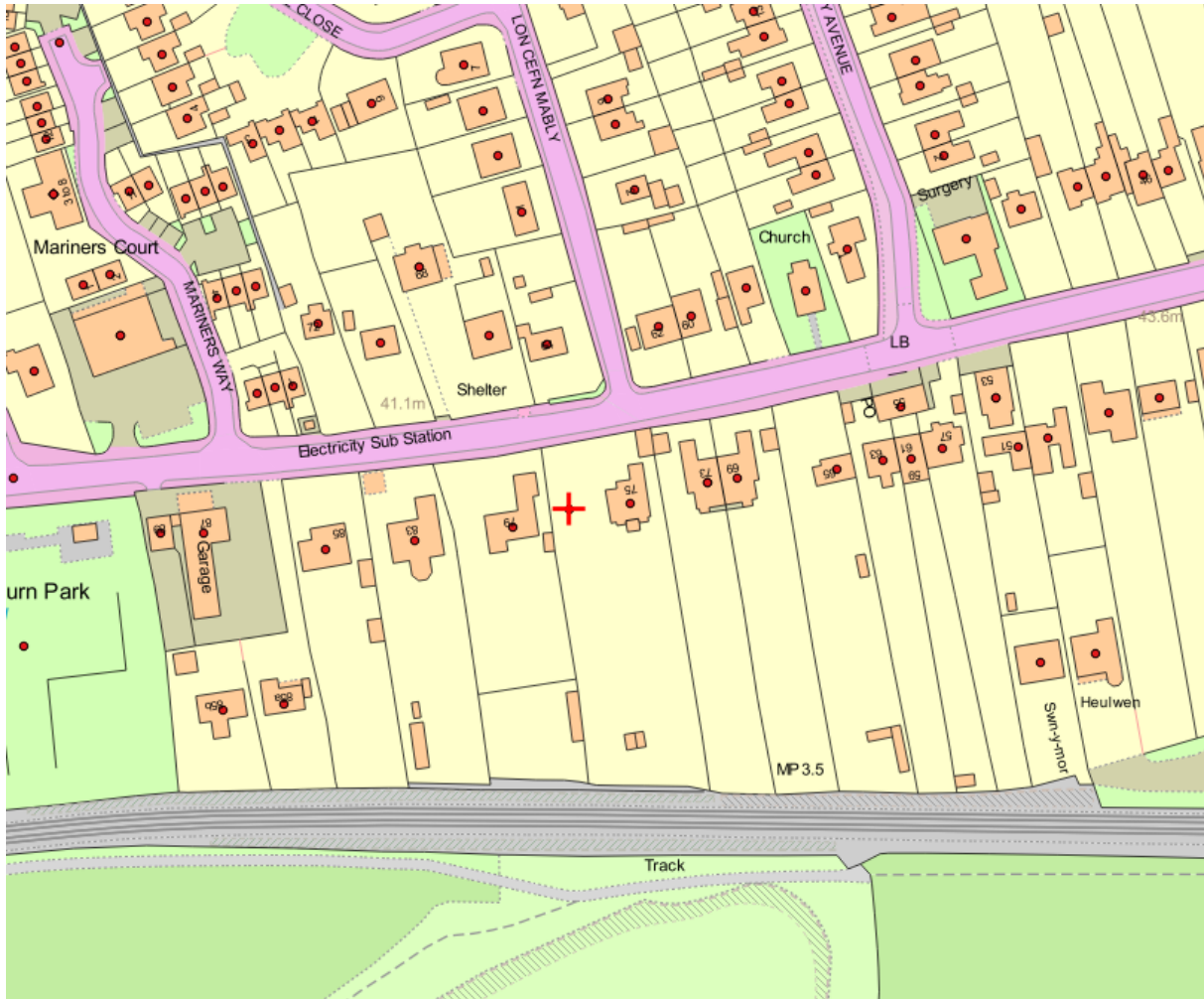
ii) LAND AND BUILDINGS AT LAND AT 77, FONTYGARY ROAD,

RHOOSE Executive Summary

1. This report seeks authorisation to issue an Enforcement Notice under section 172 of the Town and Country Planning Act 1990 (as amended) in respect of the unauthorised erection of a dwelling. A dwelling was previously granted planning permission to be constructed in this location in 2015. However, development took place without a number of conditions being discharged prior to their respective trigger points. In addition, the development on site does not accord with the approved plans and therefore, the dwelling is unauthorised.
2. The principal issues considered when establishing whether it is expedient to take planning enforcement action are the impacts of the unauthorised dwelling on visual amenity, neighbouring occupiers and highway safety.
3. The report recommends that an Enforcement Notice is issued requiring the removal of the dwelling, garage and parking forecourt to the front of the dwelling. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

Background and Site Description

4. A complaint was received by the Local Planning Authority on 22 November 2018, regarding the construction of a dwelling (Ref. 2014/01289/FUL), without the prior discharge of a number of conditions relating to its consent.
5. The site refers to a new dwelling, known as 77 Fontygary Road, Rhose that has been constructed on land in the side garden of no. 75 Fontygary Road, Rhose. The recently constructed dwelling is detached and is two storeys in height. It is served by a forecourt and a single storey garage to the front, providing off road parking and a large garden to the rear.
6. The construction of the dwelling has been completed but it is not yet being occupied. The parking area to the front has not been completed and building materials have been left on the parking forecourt.
7. The location of the site can be seen overleaf:



Details of the Breach

8. Following an initial site inspection it was noted that the dwelling at no. 77 Fontygary Road was substantially completed. On site, it was identified that the works had not been carried out in accordance with the approved plans relating to the conditional planning permission for the erection of the dwelling. As the development had not been built in accordance with the approved plans, the development in its totality was considered unauthorised. The principal variation between the dwelling on site as built and the approved plans is that the west and south elevations, as built, are greater in depth. A number of other measurements also vary on site to the approved plans. In addition to this, discrepancies relating to the siting and number of windows and doors also exist. Principally, a window has been installed on the east facing side elevation at first floor, overlooking to neighbours to the east.
9. In addition to the above, the planning permission granted for the development had a number of conditions attached to it. These included the following;
 3. Prior to the commencement of development, details of the finished levels of the site and the new dwelling in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that visual amenities and amenities of neighbouring residential properties are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

10. Prior to their use in the construction of the development hereby approved, a schedule of the proposed materials to be used, including samples, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

10. Condition number 3 was not discharged prior the commencement of development and Condition number 10 was not discharged prior to the use of the proposed materials in the construction of the development. Therefore, these conditions have been contravened. Case law, namely *F. G. Whitley & Sons v S.O.S. for Wales*, identifies that for development to be authorised, and fall within its planning permission, it must be carried out in accordance with the conditions imposed upon it. If operations on site take place that contravene the conditions, the case law establishes that the development does not accord with the planning permission. If the development does not accord with the permission, it constitutes a breach of planning control and is unauthorised.

Action Pursued to Date

11. The owner of no.77 and the planning agent that acted on behalf of the owner were initially advised in November 2018 that as Condition Numbers 3 and 10 have not been discharged, the development on site does not accord with the granted planning permission. In order to resolve this matter, both were informed that the submission of a Non-Material Amendment application or a new application would remedy the breach.
12. No application was forthcoming and as a result of this an Enforcement Warning Notice was duly issued on the owner of the site under the provisions of Section 173ZA of the Town and Country Planning Act (as amended). The Enforcement Warning Notice was served on the 16th of January 2019 and sought to regularise the development.
13. The Enforcement Warning Notice required an application to regularise the development to be submitted within 21 days of the service of the Notice. No such application was received by 06/02/19, however, it had been indicated that an application would be forthcoming. The progress of an application was queried on a number of occasions after this, but to no avail.

Planning History

14. The site benefits from the following planning history:
2010/00781/FUL – 77 Fontygary Road, Rhoose – Detached four bedroom dwelling with adjoining double garage - Approved

2014/01289/FUL – 77 Fontygary Road, Rhoose – Proposed detached 4 bedroom dwelling with adjoining double garage to front – Approved

Policy

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY

Managing Growth Policies:

POLICY MG1 – HOUSING SUPPLY IN THE VALE OF GLAMORGAN
POLICY MG4 – AFFORDABLE HOUSING

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT
POLICY MD2 - DESIGN OF NEW DEVELOPMENT
POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES
POLICY MD7 - ENVIRONMENTAL PROTECTION

Planning Policy Wales:

16. National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the matters considered in this report.

17. 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.

Technical Advice Notes:

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

- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
-

Supplementary Planning Guidance:

19. In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:
- Affordable Housing (2018)
 - Residential and Householder Development (2018)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

Well Being of Future Generations (Wales) Act 2015:

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

Reasons for Serving an Enforcement Notice

21. The principle of the development of this site, in part, has been considered previously. It is clear from the determination reports, relative to the approvals outlined above, that permission was granted on the basis that the proposals sat within the scope and policy framework relating to sensitive infill developments within settlement boundaries. Although assessed under the previous UDP framework, the following LDP policies now form the framework for assessing infill development; SP1, MG1, MD1, MD2 and MD5 as well as national planning policy in the form of Planning Policy Wales. Policy MG1 introduces the principle of infill development as a method of meeting the Authority's housing need. MD5 is relevant as it sets a criteria for the design of residential development. Standards that residential development have to meet so as to avoid a detrimental impact on visual amenity, neighbouring amenity and highways is also set out in the Residential and Householder Development SPG and the Parking Standards SPG.

22. As such, the principle of a development in this location is considered acceptable. However, as set out above the dwelling has not been built in accordance with the approved plans and remains unauthorised. The development is not subject to planning control, given its unauthorised nature. Therefore, the principle of infill development could be seriously undermined if the development was allowed to remain without limitation and condition.
23. The principal issues to consider when identifying whether it is expedient to serve an Enforcement Notice include the impact of the unauthorised dwelling on highway safety, visual amenity and neighbouring amenity.
24. As the development on site is not authorised by planning permission reference 2014/01289/FUL, a number of attached conditions that ensure the development does not cause harm and is controlled in perpetuity, are no longer applicable, namely:

7. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of the dwelling which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

11. Prior to the first beneficial occupation of the dwelling, details of the junction between the site and Fontygary Road shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until such time as that junction has been constructed in accordance with the approved details.

Reason:

In the interest of highway safety, to ensure a satisfactory form of access to serve the development and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

12. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, associated access, vision splays and turning areas, have been laid out in full accordance with the layout shown on Drawing 029-P-102 and the details approved under the terms of Condition 11 of this planning permission, and the parking, access, vision splays and turning areas shall be so retained at all times thereafter to serve the development hereby approved.

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27 and HOUS8 of the Unitary Development Plan.

14. Notwithstanding the submitted plans, details of screens to be sited to both side elevations of the balcony hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the screens, as approved shall be installed prior to the first beneficial use of the balcony and thereafter so maintained at all times unless the Local Planning Authority gives written consent to their removal.

Reason:

To ensure the privacy and amenities of adjoining occupiers are safeguarded and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

25. As these conditions no longer apply, the Local Planning Authority would have no control to enforce against and ensure that; a landscaping scheme was implemented at the site; the junction between the site and Fontgary Road was permanently maintained; and the balcony screens on the rear elevation were permanently maintained. In addition, amongst other discrepancies between the approved plans and the development that has been built, a window has been installed at first floor on the east facing side elevation that was not included in the original application. This window, if it is not obscurely glazed and non-opening, will have unacceptable elevated views into ground floor windows on the neighbour to the east.
26. Policy MD2 Design of New Development is of relevance in relation to landscaping. Criterion 10 requires the following: *“development proposals should incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscape features and biodiversity interests.”* Given the siting of the dwelling, adjacent to Fontgary Road, the principal route through Rhoose, landscaping is essential to ensuring the visual amenities of the locality. In addition, the owners of No.77 are required to plant a replacement TPO in the front garden, which could be incorporated and ensured by the discharge of this condition.
27. The inability to ensure that a suitable junction between no.77 and Fontgary Road is installed, and maintained in perpetuity, has the potential to result in significant highway safety issues. These issues would only be addressed through securing compliance with a condition. The establishment of a development which would have unacceptable and uncontrollable, impacts on highway safety would also be contrary to the requirements of Policy MD2.
28. It has been noted that privacy screens have been installed, serving the balcony on the rear elevation. However, the absence of an enforceable condition, ensuring that these remain in perpetuity, allows for them to be removed in the future. In assessing the 2014 application, the officer did not believe that views back from the balcony would be detrimental to the privacy of the neighbouring dwellings, however, included the condition to protect against any undue detriment. When taken with the unimpeded, uncontrolled views through the unauthorised window on the east side elevation, the accumulation of these impacts result in an unacceptable amount of overlooking on neighbouring dwellings, contrary to the requirements of MD2, MD5 and the Residential and Householder Development SPG.

29. Although the development on site may be acceptable in planning terms, notwithstanding the window on the east elevation, it remains unauthorised. When taking into account the above conditions that can no longer be enforced against, as well as the impacts of the unapproved window, the accumulated impacts of these would result in a detrimental impact in terms of visual amenity, the amenity of neighbouring occupiers and highways. It is therefore considered expedient to take planning enforcement action.

Conclusions

30. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action to require the removal of the unauthorised dwellinghouse, garage and parking forecourt.
31. In terms of bringing the development under planning control; the Council cannot impose conditions on the development unilaterally through an enforcement notice. An enforcement notice can only remedy the breach of planning control to which it relates. Therefore, the requirement of the enforcement notice will be to remedy the breach which consists of the erection of a dwellinghouse and provision of an access.
32. It is considered that the decision would comply with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Resource Implications (Financial and Employment)

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

Legal Implications (to include Human Rights Implications)

34. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
35. Notwithstanding this, the planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the Council to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development ought to be allowed.
36. In view of the conclusions reached in respect of the visual amenities of the locality, the privacy of surrounding neighbours and highway safety, the actions proposed are considered to be in the public's interest and outweigh any rights the individual has under the 1998 Act.

Equal Opportunities Implications (to include Welsh Language Issues)

37. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to:
 - (i) Demolish the dwelling house and garage and break up the hard surfaced parking forecourt.
 - (ii) Remove the resulting materials from the land following the completion of requirement (i)
 - (iii) Cover the area affected by requirement (i) with 300mm of topsoil.
 - (iv) Following the completion of requirement (iii), grass seed the top-soiled area, so as to reinstate a grassed area.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) The unauthorised erection of a dwelling house is unjustified and would result in detrimental harm to the visual amenities of the locality, the privacy of surrounding neighbours and highway safety. As such, the development is considered to conflict with the requirements of Policies SP1 Delivering the Strategy, MG1 Housing Supply in the Vale of Glamorgan, MD2 Design of New Development and MD5 Development within Settlement Boundaries of the Local Development Plan as well as guidance contained within the Residential and Householder Development and Parking Standards SPG, TAN 12 Design and Planning Policy Edition 10.
- (2) It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

Background Papers

Enforcement File Ref: ENF/2018/0345/PRO

Contact Officer - Mr. M. Bayona-Martinez, Tel: 01446 706142

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **4 SEPTEMBER, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

6. PLANNING APPLICATIONS

Background Papers

The following reports are based upon the contents of the Planning Application files up to the date of dispatch of the agenda and reports.

2018/00458/FUL Received on 31 October 2018

APPLICANT: Barratt Homes South Wales Ltd Mr. Cai Parry, Oak House, Village Way, Tongwynlais, Cardiff. CF15 7NE

AGENT: Barratt Homes South Wales Ltd Mr. Cai Parry, Oak House, Village Way, Tongwynlais, Cardiff. CF15 7NE

Land north of B4265 (Phase II), Boverton, Llantwit Major

Full planning application for the erection of 21 no. homes with associated access, landscaping and engineering works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is of a scale and / or nature that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

The site relates to a field parcel located to the north of the Llantwit Major bypass, to the south of the Bridgend-Cardiff railway line, and to the east of Eglwys Brewis Road. The site is in an elevated position compared to the bypass and is enclosed to three sides by semi-mature trees. The application site has an area of approximately 0.6 hectares and forms part of an allocation for residential development identified within the adopted Vale of Glamorgan Local Development Plan (LDP) (MG2) (22) 'Land adjacent to Llantwit Major Bypass'. The first phase of development has already commenced and this site (referred to as Phase 2) comprises the remaining part of this allocation and a total of 21 dwellings are proposed as part of this application.

No letters of representation have been received at the time of writing this report. An objection was made by Cllr G John on the grounds of highway safety. Llantwit Major Town Council stated no objection.

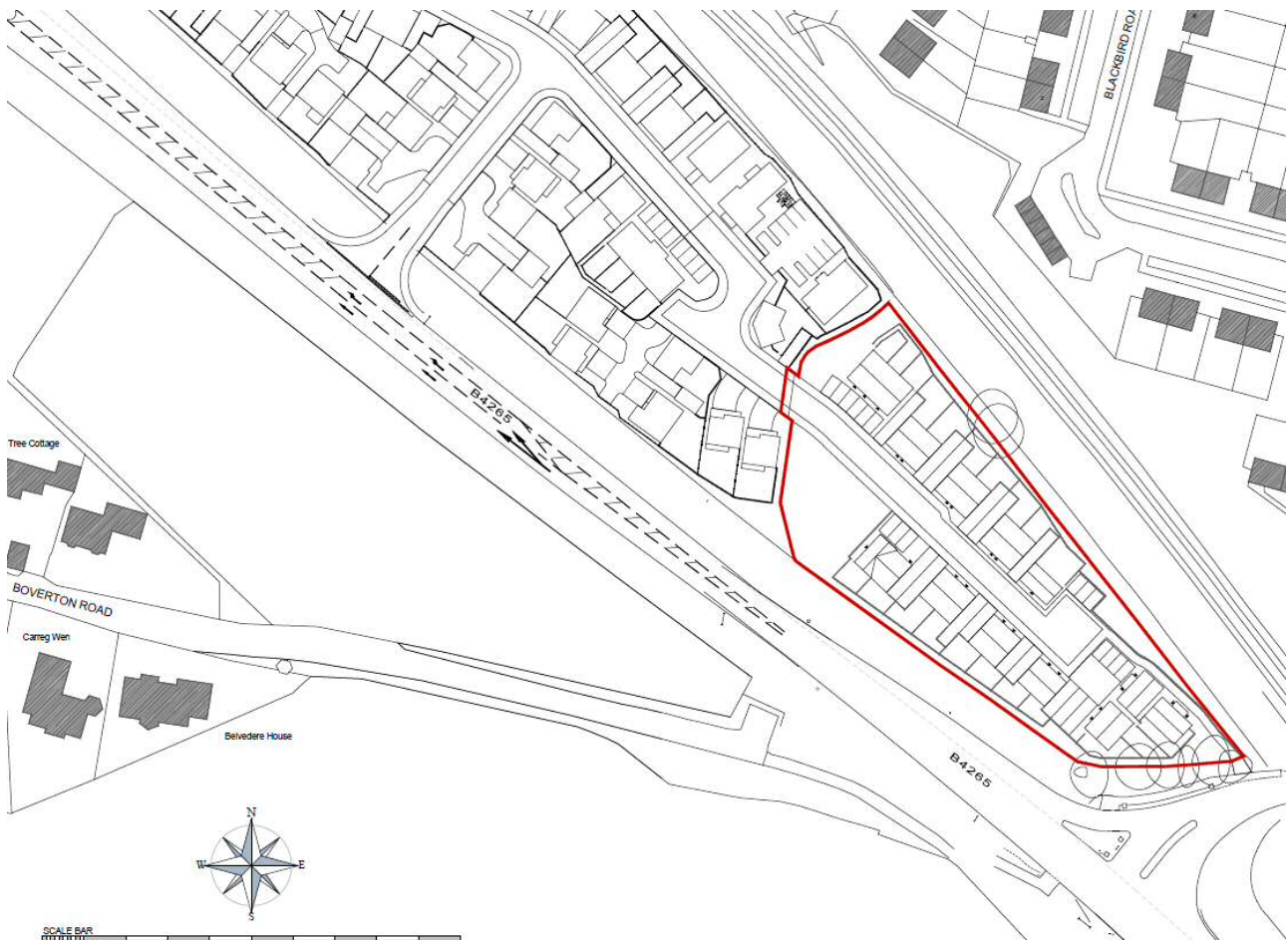
The principle of the residential development of the site has already been established by its allocation for new housing within the LDP. The principal consideration is therefore whether the development proposal is acceptable in terms of its design, density and scale, neighbouring amenity, open space provision, highways implications, amenity space, ecology, archaeology, drainage, noise and landscaping.

Having considered the above, it is considered that the proposed development is acceptable and the application is recommended for APPROVAL, subject to the applicant entering into a S106 agreement relating to delivery of affordable housing and planning obligations relating to education.

SITE AND CONTEXT

The site relates to two field parcels to the north of the Llantwit Major bypass, to the south of the Bridgend-Cardiff railway line and to the east of Eglwys Brewis Road. The site is an elevated position compared to the bypass and is enclosed to three sides by semi-mature trees. The site separated from the first phase of the development by a hedgerow.

The application site has an area of approximately 0.6 hectares and forms part of an allocation for residential development identified within the adopted Vale of Glamorgan Local Development Plan (MG2) (22) 'Land adjacent to Llantwit Major Bypass' and forms approximately one-third of this allocation. The first phase of the development has been commenced and the area is currently in use as a site compound.



DESCRIPTION OF DEVELOPMENT

The application, as amended, is for the development of the site for 21 dwellings, associated open space, landscaping, vehicular access via the internal road to the first phase of the development, a pedestrian access onto Llantwit Road to the southeast. The application comprises of a mix of detached, semi-detached and terraced dwellings and one bed apartments and the general arrangement is illustrated below:



The site would, as noted, connect to the B4265 through the first phase, with a single primary route running through the centre of the site and the dwellings predominantly fronting onto this. An area of public open space is provided towards the north-west of the site. It would be approximately 440sq.m in size and include within it a Local Area of Play.

The development comprises of a mix of house types of a generally traditional form. The proposed dwellings would be finished in a mix of red and golden buff brick beneath charcoal grey roofs.

The application is accompanied by a number of supporting and technical documents including:

- Design and Access Statement
- Transport Note
- Heritage Desk Based Assessment
- Pre-Application Consultation Report
- Agricultural Land Quality Appraisal
- Arboricultural Report
- Ecological Surveys
- Noise Survey
- Travel Plan

There are also off-site works proposed to widen the footpath/cycle link between the site, Llantwit Road and the B4265 crossing.

PLANNING HISTORY

2014/00995/FUL, Address: Land adjacent to Llantwit Major Bypass, Boverton, Proposal: Change of use of agricultural land to residential development (C3) including demolition of a disused building and the development of 65 residential dwellings, public open space, landscaping, highway improvements and associated engineering works, Decision: Approved

2014/00984/SC1 – Land adjoining Llantwit Major Bypass; Screening Opinion: 64 Dwellings, public open space, landscaping, highway works and associated infrastructure – EIA not required

2006/00662/FUL - O.S. 6162 and 7154, Boverton, Llantwit Major - Change of use to riding school stables and construction of new stables – Refused

1996/00560/FUL - Land west of Church Meadow, Boverton - Residential and ancillary development – Refused and dismissed at appeal

CONSULTATIONS

Llantwit Major Town Council stated no objection.

Vale of Glamorgan Council Highway Development stated no objection subject to the implementation of improvement works to the footway adjacent to Llantwit Road to provide 3.5m wide pedestrian and cycling facilities and an internal footway link 2.5m in width.

Vale of Glamorgan Council Highways and Engineering noted no detailed drainage strategy, hydraulic calculations or management details have been submitted with the application and recommended a condition that required the submission and approval of a detailed drainage scheme. It was also noted that the site is not located in DAM flood risk zones and is at low risk of surface water flooding.

Shared Regulatory Services (Neighbourhood) did not object to the development, but raised concern regarding potential external noise exposure for occupiers of the development. If the LPA was minded to grant consent, conditions were recommended relating to submission of a noise mitigation scheme, to secure implementation and retention of the mitigation measures agreed as part of this process, as well as submission of a Construction and Environmental Management Plan relating to the construction phase.

Shared Regulatory Services (Environment) recommended conditions in relation to unforeseen contamination, imported soil, aggregate and site won material.

South Wales Police recommended that the dwellings and external areas should be built to standard, defensible spaces to the front, parking and public areas overlooked, vehicle speeds not exceed 20mph, excessive permeability be avoided, private areas enclosed and to have external meters. It was also noted that the affordable housing must also comply with the Secured by Design initiative.

Cllr G John objected to the application on grounds of transportation and highway safety, stating the following:

"I am objecting to the entrance serving this housing estate off the Llantwit Major Bypass B4265, well over one hundred vehicles will access this estate off the B4265 including those granted by the previous application. It is an accident going to happen, I spoke on the Phase 1 at Committee which was greeted by deaf ears, when someone is hurt in an accident coming on to the B4265 it will be too late, what needs to happen is that the whole development for the two phases access the site off the West camp entrance with traffic lights, there are currently crossing lights at the West Camp junction, S106 from this development could put in the extra set off lights to make it a safer route. If this is not accepted then the application should be refused on safety grounds."

The remaining Llantwit Major Ward Councillors did not respond.

Dwr Cymru / Welsh Water recommended a condition that required submission and approval of a drainage scheme prior to commencement. It was also stated that no objection was made in relation to water supply or sewage and that there was no agreement in principle for the communication of surface water flows to the main sewer.

Vale of Glamorgan Council Ecology Officer recommended conditions requiring the submission and approval of a detailed site clearance strategy for reptiles, a long term habitat and species monitoring plan and a lighting scheme.

Vale of Glamorgan Council Housing Strategy Officer stated there was an evidenced need for affordable housing in the Vale of Glamorgan. In accordance with the LDP and supporting guidance, the site should deliver 35% affordable housing comprising of 4.no 1 bed flats, 2.no 2 bed houses and 1.no 3-bedroom house.

Natural Resources Wales recommended conditions that ensured the development was carried out in line with the submitted Dormouse Mitigation Strategy, as well as the submission and approval of a long term habitat and species monitoring plan and lighting scheme.

Gwent Glamorgan Archaeological Trust stated that the proposed works would require archaeological mitigation and requested a condition that required submission and approval of a written scheme of historic environment mitigation prior to commencement.

REPRESENTATIONS

The neighbouring properties were consulted on 27 April and 17 December 2018. A site notice was also displayed on 16 May and 21 December 2018. The application was also advertised in the press on 03 May 2018. No representations have been received at the time of writing.

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 Development Plan for the area

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY 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
POLICY MG6 – Provision of Educational Facilities
POLICY MG7 – Provision of Community Facilities
POLICY MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD3 - Provision for Open Space
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY 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.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Accessibility
- Supporting Infrastructure

Chapter 4 - Active and Social Places

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

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 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 20 – Planning and the Welsh Language (2017)
- 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 (2018)

- Biodiversity and Development (2018)
- Parking Standards (2019)
- Planning Obligations (2018)
- Public Art in New Development (2018)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Trees, Woodlands, Hedgerows and Development (2018)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations

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 primary issues to be considered with this application are considered to be:

- The principle of the development having regard to relevant Local Development Plan, National policies and agricultural land quality.
- Visual impact of the development on what was agricultural land.
- The suitability of the proposed access and junction arrangement, and highway safety issues.
- Issues related to the potential increased traffic levels as a result of the proposed development.
- The potential impact to neighbour amenities.
- Parking provision
- Amenity Space and Public Open Space provision

- Amount and tenure of affordable housing to be provided on site; and
- Other issues that will be considered include the need to protect archaeology; noise; flood risk and drainage; ecological and environmental impacts.
- S106 Planning Obligations to mitigate the impact of development

Principle of Development

The application forms part of a site allocated for residential development within the Local Development Plan (LDP) under policy MG2 (22). The LDP envisaged that the overall site of 2.4 hectares comprising three land parcels would be developed for 70 dwellings. The application site comprises the easternmost field parcel with a land area of approximately 0.6 ha, where 21 dwellings are proposed. This density satisfies policy MD6 of the LDP and, in addition to the development approved by application 2014/00995/FUL, the LDP aspirations for the allocation as a whole would be met (86 dwellings in total).

The principle of residential development on this site has therefore been established through its allocation for housing.

Visual and Landscape Impact

It is accepted that the proposed development would fundamentally alter the character of the land, noting that prior to the commencement of the first phase it was grassland and likely in agricultural use. However, this does not render the development unacceptable, noting principally that it has been allocated for housing within the LDP where the principle of development has been established. The assessment of the visual impact is nonetheless required in the context of the surrounding landscape and to assess how the development relates to its surroundings.

The application site lies to the north east of Boverton and to the south of Eglwys Brewis. It is separated from Boverton by the bypass and an intervening parcel of land. However, apart from the intervening railway line, the site is in close proximity to the existing residential area within Eglwys Brewis to the north. It is enclosed by the B4265, Llantwit Road and the railway line and it is considered that these represent the logical, physical boundaries to the site. The development would extend the built form of the settlement, but would nonetheless be read in the context of established development to both the north and the south, as well as the first phase of this allocation. Given the close relationship of the site to the first phase and the existing pattern of development, it would not appear as an arbitrary incursion into the countryside.

While the site itself was once rural in character, the wider context is considered to be semi-urban/semi-rural and the site does not form part of a Special Landscape Area or any other statutory landscape designation. Therefore, while the character of the land would fundamentally change, it is considered that the development would not unacceptably impact upon the wider rural landscape. It would also appear as a logical extension to the first phase of development that has already commenced and now in the latter stages of construction. The wider importance of the development (in terms of housing demand) should also be noted and, in this case, outweighs any the limited negative visual impacts associated with the urbanisation of the site.

Density

The development proposes 21 units on approximately 0.6. ha of the land allocated whereas the LDP allocates the whole site (2.42ha) for up to 70 units.

Policy MD6 'Housing Densities' of the Local Development Plan states that proposals within the key, service centre and primary settlements will be permitted where the net residential density is a minimum of 30 dwellings per hectare. However, the policy states that '*higher densities will be permitted where they reflect the character of the surrounding areas and would not unacceptably impact upon the local amenity.*' The proposals would amount to a density of approximately 35 dwellings per hectare and it is noted that the first phase of this development is of a very similar density.

The LDP allocation of 70 units is not definitively prescriptive, it is an indicative figure used to demonstrate how the LDP allocations meet the overall housing need during the plan period and should not be treated as a maximum or minimum figure. It is important to ensure that sites in sustainable locations are developed efficiently, but also necessary to consider the character of the area and whether an increase in density would be appropriate and sympathetic to the surrounding context. In this case, the site does not form part of a minor rural settlement, where densities may typically be lower, and it is considered that the proposed density (which is not excessively dense or urban) is compatible with the nature of surrounding developments and the first phase of this site.

The proposed density is considered acceptable in relation to the surrounding context and in consideration of the requirements of Policy MD6. It would also represent efficient use of land resource.

Layout of the Development

The application proposes the development of the broadly rectangular site for 21 dwellings with a central spine road culminating in a shared surface and turning head. The spine road would be constructed of tarmacadam with the shared surface being block paved. It is considered that the block paved area is acceptable, would encourage lower vehicle speed, and appear as an attractively designed, less formal/engineered part of the site.

The site would utilise the existing access and is a logical continuation of principles set within the first phase of the development. Given the shape and physical constraints of the site the single spine road is the only viable and practicable option to inform the internal layout. The first phase of the development included the provision of enhanced pedestrian facilities connecting the site to Llantwit Major/ Boverton (via Harding Close), as well as through the first phase. The proposed layout offers pedestrian permeability to the east, connecting the site to Llantwit Road and Boverton Road. It would provide occupiers with a choice of routes for accessing local services and reduce reliance upon the car.

The layout of the site ensures that the vast majority of units adjacent to the access road are orientated towards the main spine road, with the sole exception of the units located adjacent to the turning head. The flatted units form a corner unit that faces on to the turning head and the footpath leading from it, providing for an active frontage to both these public areas. There are also units fronting the area of Public Open Space, providing both an attractive environment as well as added security to these areas.

In terms of parking, the dwellings would be served by driveways within their curtilages whilst the affordable units would be served by a small parking court located a short distance from the building. It is considered that this is an appropriate form of layout overall. The dwellings are located in close proximity to the street, and logically to address how the site narrows toward its eastern extent. The Public Open Space is located adjacent to the site access via the first phase and would provide an attractive gateway to the development.

Four no. one-bedroom affordable housing units are proposed within the scheme within the 'Alder' block at the western side of the site. It is noted that the affordable units are not strictly 'pepper potted', but it is logical to locate the one bedroom units within a single block given the relatively low number of overall units.

House Types

The application proposes 21 dwellings in total that will comprise 6. No house types of the following mix:

House Type Schedule					
House Code	Net Floor Area (ft²)	Number of Bedrooms	House Type Name	Number of Units	Total Net Area of Each Unit (ft²)
ALR	514	1	Alder [Affordable Unit]	4	2056
ROS	679	2	Roseberry	5	3395
FOL	830	3	Folkestone	1	830
MAI	830	3	Maidstone	5	4150
MOR	855	3	Moresby	1	855
BUC	874	3	Buchanan	5	4370
Total No. of Units on Site & Total Net Area (ft²)				21	15656

It is noted that there are relatively modern dwellings in Eglwys Brewis to the north. There is little consistency within the surrounding built environment (including detached, semi-detached and terraced properties with varying materials including red brick, buff brick, brick and render) and accordingly, there are no overriding design cues to follow, other than those set within the first phase of the development. The proposed houses comprise a mix of designs and house types, but with a consistent and relatively 'conventional' character, finished in a mix of two brick types beneath charcoal grey roofs.

The pallet of materials is similar to those within the first phase and the continuation of this approach is considered acceptable for Phase 2. The overall design of the house types and flatted development are considered as a group to be acceptable and are all at two storey height. The mix of units would provide some visual interest and the mix of materials would give a cohesion to their finishes and the overall environment being created. The dwellings are also comparable in their general scale, massing and height to those within 'Phase 1' and the existing neighbouring residential developments.

Highways and Transportation

The application is accompanied by a Transport Note prepared by Hydrock Consultants and is based upon a scheme of 24 dwellings (as originally submitted, but since reduced to 21).

The document nonetheless provides an evidence base for assessment of highways and transportation impact of this development. The document concludes that the development of 'Phase 2' (for 24 dwellings) would not have a material impact on the operation of the junction approved as part of 'Phase 1'.

The spine road from Phase 1 is fairly linear, but the use of a shared surface to the western part of the site would assist in reducing vehicular speeds, an approach advocated by Manual for Streets. The site also allows for a continuation of pedestrian permeability and the improvement of the section of pedestrian/cycleway connecting the western part of the site to the existing crossing facilities on the B4265 and Llantwit Road.

As noted above, the principal vehicular access would be via the junction with the B4265 to the east that was constructed as part of Phase 1. The works to the new junction included the provision of a dedicated right turn lane to provide access for vehicles approaching from the east. The Council's Highway Development Section was consulted as part of this application and did not raise any objection in relation to the traffic implications of this development upon the new junction, and other key routes and junctions such as those of the B4265 with Eglwys Brewis Road and Llantwit Road.

Noting this, the Highways officer confirms that '*an objection in relation to the highway and transportation aspect of the development is not raised in this instance.*' They do however request the off-site improvement works for a 3.5m wide pedestrian and cycle route are implemented prior to first beneficial occupation (engineering detail can be agreed) and the footway connecting the site to Llantwit Road be 2.5m wide. The site layout plans have been updated since first submission to illustrate the widened footway. The proposed materials, a mixture of tarmacadam and block paving, reflect those seen within the first phase of development.

In summary, it is considered that the proposed development would be served by a safe principal access via the first phase onto the B4265. The access movements into the site from the B4265 are also considered safe and the development acceptable in relation to highways and transportation matters.

Neighbouring Amenity

The nearest pre-existing residential properties to the site are those within Eglwys Brewis to the north of the site, albeit being separated from the site by the railway line. It would also be partially separated from the first phase through the part retention of the existing hedgerow and the location of the Public Open Space. The degree of separation is significant enough to ensure that the proposed dwellings have no detrimental impact in relation to shading, overbearing or privacy to neighbouring properties (including those on Phase 1).

The new pedestrian footway/ cycleway adjacent to Harding Close is likely to encourage some pedestrian movements along Boverton Road, however, it is considered that these would not give rise to an unacceptable impact on residential amenity or privacy, in relation to general noise and disturbance.

Residential Amenity (within the development)

Policy MD2 of the Local Development Plan requires new developments to meet the Council's approved guidelines with respect to the provision of amenity space and public

open space, as well as privacy. These are expanded upon within the 'Residential and Householder Development' SPG.

The guidance states new residential development should provide 20sq.m amenity space per occupier. This is typically interpreted as a minimum of 60sq.m for two bedroom properties and 80sq.m for three bedroom properties. The proposed on-site provision varies from between 45sq.m to 70sq.m for the two-bedroom houses and between c.60sq.m and 100sq.m for the three bedroom houses. The four one bedroom flats have a shared amenity and refuse storage area of c.75sq.m in size.

Having assessed the proposals some units would not meet the requirements of the Council's SPG. However, those gardens that do not meet the standard are not significantly short of it and are laid out in a practical and useable manner. It is not unusual for garden sizes to vary throughout a development of this size, given the number of site constraints that inform the final layout design. It is nonetheless important that the scheme affords an acceptable level of amenity to occupiers and it is considered that this has been achieved in this instance. The amenity spaces are of a sufficient size to meet the outdoor relaxation and functional needs of the occupiers, despite some falling short of aforementioned standards.

Furthermore, it is considered that the relationship of the proposed buildings to each other is such that the respective dwellings would not appear as overbearing or unneighbourly to each other, and each dwelling would benefit from adequate levels of privacy.

Ecology

The application for the first phase of development was supported by submissions including an Ecological Masterplan; A Reptile Mitigation Strategy and a Dormouse Mitigation Strategy. This application is supported by an Ecological Update Note prepared by EDP, which comprised an updated extended desk survey, further detailed species specific assessments and a new Dormouse Mitigation Strategy, prepared for this site.

Policy MD9 'Promoting Biodiversity' of the Council's LDP new development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

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

Furthermore, Policy MG21 'Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species' of the LDP requires that Development proposals likely to have an adverse impact on priority habitats and species will only be permitted where it can be demonstrated that:

1. The need for the development clearly outweighs the nature conservation value of the site;
2. Adverse impacts on nature conservation... can be avoided
3. Appropriate and proportionate mitigation and compensation measures can be provided;
4. The development conserves and where possible enhances biodiversity interests

This is supported by the Council's SPG on Biodiversity and Development, and is in line with national guidance including the most recent Conservation of Habitats and Species Regulations 2010 (the 'habitat regulations'). The survey work undertaken as part of the first phase identified the presence of protected species on the site and therefore a need for a licence from the Natural Resources Wales, which was subsequently obtained for that site. The continued presence of Dormouse on the site has been assumed and a new Dormouse Mitigation Strategy prepared accordingly. The proposed mitigation measures include the retention and protection of existing trees, shrubs and hedgerows, creation of additional habitat through shrub and hedgerow planting and the provision of nest boxes on site.

In assessment of this application the Council must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6). It is essential that planning permission is only granted when the LPA is satisfied that all three tests are likely to be met as noted below.

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

It is considered that the proposed development is in the public interest, insofar that it contributes towards meeting both market and affordable housing need in the area. The site has been allocated to meet the strategic housing requirement identified within the LDP process. It is considered to be of an overriding public interest with a social benefit in terms of providing much needed housing and also an economic benefit in terms of construction and to local businesses.

Test ii) - There is no satisfactory alternative

The application site has been considered during preparation of the LDP in the context of a significant number of other candidate sites. Through that exercise, and supported by background evidence, the Council has sought to allocate the site for housing. In doing so, when balancing all of the relevant planning issues, it has been concluded that the site is appropriate for housing and necessary to meet housing need, whereas the alternative sites that have not been included within the finalised LDP were not considered to be satisfactory alternatives. If the site was not developed, then it is likely that the housing need would need to be met through the development of other, potentially less suitable, site(s) to meet housing need within the Vale.

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

The application has been subject to consultation with Natural Resources Wales, who advised that subject to conditions requiring that proposed mitigation is carried out and a long term management plan and lighting scheme is agreed, their concerns would be satisfactorily addressed. It is therefore considered that the development would not be detrimental to the maintenance of the population of the protected species. The development would also be subject to EPS licencing requirements.

In conclusion, it is considered that the proposals would comply with the above tests.

In addition, the Council's Ecologist recommended a condition relating to details of reptile mitigation (see condition 14).

Archaeology

Policy MD8 – Historic Environment of the LDP seeks to ensure that development proposals protect the qualities of the historic environment including the preservation or enhancement of archaeological remains and where appropriate their settings.

The application is supported by an archaeological desk-based assessment undertaken by Cotswold Archaeology dated July 2014. The assessment identifies '*no archaeological constraints within the site, but has identified some potential for currently unrecorded remains; these are considered unlikely to be [of] such significance as to preclude development. It is considered that the proposed development will not conflict with either national or local planning policy on Listed Buildings, Conservation Areas or archaeological remains.*'

The Council's archaeological advisors, Glamorgan Gwent Archaeological Trust were consulted with regard to the application and noted whilst no significant features were encountered during excavations for the first phase, some worked flint and pre-historic pottery was found. They noted that whilst the likelihood of the site containing significant archaeological features remained low, mitigation through should be made through preparation of a written scheme prior to commencement, via condition (see condition 4).

Drainage and Flood Risk

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. The policy goes further to state that 'in respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15, citing specific requirements relating to Zone C2. The site lies entirely within Zone A, as defined by the flood risk Development Advice Map (DAM) referred to in TAN15; therefore, the site is considered to be at little or no risk of fluvial or tidal flooding.

The applicant indicates that the primary method of surface water disposal would be via a cellular storage system, designed for a 1 in 100-year storm event (with 30% allowance for climate change) located beneath the area of Public Open Space to the eastern end of the site. The application is not accompanied by a detailed strategy, details of infiltration testing, hydraulic calculations and management details.

The Council's Drainage Engineer has not raised objection to the proposals subject to a condition relating to the submission and approval of a detailed strategy prior to commencement. It is considered that, subject to condition, the development of the site is acceptable and that future occupiers of the site would not be prone to unacceptable flood risk, whilst also ensuring that the proposals do not present an unacceptable flood risk off-site (see condition 5).

The applicant also indicates that foul sewerage will be discharged to mains sewer. In consultation with Dwr Cymru, they offered no objections in principle, subject to submission of a detailed drainage scheme. It was also noted that that no problems are envisaged with the Waste Water Treatment Works or provision of water supply to the site.

It is considered that the development complies with the requirements of policy MD7 of the LDP and TAN15 with respect to drainage or flood risk.

Agricultural Land Quality

The proposed site for the residential development was primarily agricultural grassland land which was made up of two agricultural fields, divided by a hedgerow. The application site is currently in use as a compound for the first phase.

Policy MD7 'Environmental Protection' of the LDP requires development proposals to demonstrate that they will not result in an unacceptable impact on the built or natural environment by reason of a number of criteria including '7. *The loss of the best and most versatile agricultural land*'.

Technical Advice Note 6 notes that agricultural land within Grades 1, 2, and 3a that are considered to be the "*most flexible, productive and efficient*" land in terms of output. It was identified in submissions for the first phase that the land fell within Subgrade 3b, which is not considered to be the "*best and most versatile*". This is reflected in the Welsh Governments most up-to-date predictive maps, which provide a predictive Subgrade 3b for the site. The development therefore complies with Policy MD7, in this respect.

Noise

The application is supported by a Noise Survey. The submitted report indicates at Section 5 that the south-eastern part of the site, adjacent to the junction of the B4265 and Llantwit Road, would be subject to the greatest level of noise. The modelling indicates that the B4265 is the most critical noise source. The report indicates that the site in its undeveloped state falls mainly into Noise Exposure Category (NEC) A/B of TAN11 during the daytime and NEC B during the night time with only part of the south western boundary falling under NEC C of TAN11.

A building fabric assessment was undertaken as part of this report, with the recommendation that sound insulation measures in the form of up-rated glazing and acoustic ventilation be incorporated on critical facades overlooking the B4265 and bedroom facades facing the railway line. It also recommends a closed-board fence enclosure be erected along the south-western boundary adjacent to the B4265. It should be noted that although some adjustment has been made to the layout since the noise report was prepared, the layout remains similar and the developable area of the site the same.

The Council's Environmental Health Officer was consulted and has not objected to the development, but has raised concern relating to the degree of noise to which prospective occupiers of parts of the development might be subjected. This concern primarily relates to noise exposure levels within garden areas. The noise report notes that gardens on the southernmost part of Phase 2 are indicated to fall within the range of 55-60dB(A).

Having regard to the guidance contained within Technical Advice Note 11: Noise (1997), it is noted that a limited number of plots adjacent to the southern boundary fall within Noise Exposure Category C at first floor and Plot 7, in particular, also at ground floor. In respect of Category C sites, TAN11 states: "*Planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.*"

Whilst being mindful of the above, it is noted that the dwellings falling within this area represent only a small number of those proposed within the overall scheme. Whilst some occupiers may experience higher levels of noise than may be experienced on others within the development, or occupiers of more remote sites, given the position of the B4265 and railway line to the north and south of the site, a degree of noise is inevitable. The submitted details indicate that appropriate noise mitigation measures can be incorporated within the development that would suitably mitigate the internal noise impact for future occupiers of the dwellings in question. However, this may not be possible for the most noise affected gardens.

In relation to external areas, BS 8233:2014 (Guidance on Sound Insulation and Noise Reduction for Buildings) states that an external amenity space noise exposure levels below 50 dB LAeq is desirable; and an upper guideline value of 55 dB LAeq acceptable in noisier environments. It does also note that in higher noise areas (i.e. noisier than 55dB) compromise might be warranted and whilst development should be designed to achieve the lowest practicable levels, it should not be prohibited on this basis. TAN11, meanwhile, is not prescriptive in relation to noise levels in garden areas.

In consideration of the above, the proposed development is considered acceptable in principle, subject to submission of an updated noise report to confirm the extent of mitigation required for the development, in light of revisions to layout since the original noise report was prepared. The scheme should identify predicted internal and external noise levels, the type of mitigation measures required and a provision for post-completion testing. In this case, it is not considered necessary to require a prescriptive external noise level be achieved, particularly as the noise report indicates that a level of 55 dB LAeq may not be achievable across the entire site. The scheme would nevertheless be scrutinised to ensure that all reasonable mitigation measures are undertaken and external noise is as close as possible to the desirable level (see condition 7).

Public Open Space Provision

LDP policies MD2 'Design of New Development' and MD3 'Provision for Open Space' require new residential developments to make provision for public open space and the Planning Obligations SPG provides further advice about how these standards should operate in practice. 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. PPW indicates that planning obligations should only be sought where they are necessary to make a proposal acceptable in land use planning terms. Local planning authorities will usually be justified in seeking planning obligations where the quantity or quality of provision for recreation is inadequate or under threat, or where new development increases local needs. An assessment of need and an audit of existing facilities, will enable local planning authorities to use planning obligations to provide a benefit for the land and/or the locality by providing open space and suitable facilities, particularly in relation to housing, retail and employment developments*" (paragraph 4.15 refers).

Policy MD3 requires that developments resulting in a net gain of 5 or more units should provide outdoor sports provision at 1.6ha per 1,000 population; children's equipped play space 0.25 hectares per 1,000 population; informal play space 0.55 hectares per 1,000 population. The Open Space background paper indicates that for the development of the whole of the wider site for 70 dwellings, a total of 406sq.m (pro rata 499sq.m for 86

dwelling) of equipped Children's Play Space (or equivalent) should be provided, whilst Outdoor Sport Space would be met by the existing provision within the Llantwit Major Ward. Consequently, at least 113 sq.m of equipped children's play space should be provided for Phase 2, bearing in mind a slight over-provision within Phase 1. In addition, 268 sq.m of other children's play space would also be required.

The submitted layout indicates the provision of a single area of Public Open Space with a useable area approx. 440sq.m in size, within which a Local Area of Play would be incorporated. This would represent a slight over provision of children's play space, albeit the open space would also provide wider amenity function and provide an attractive green space, subject to detail. The specific detail and detail of its future management can be subject of an appropriate condition.

It is considered that the layout makes provision for the necessary amount of public open space, to meet the on-site needs of the occupiers, in accordance with the Council's policies and SPG.

Planning Obligations and 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. The burden of proof in such cases falls with the developer to prove that viability is an issue for their development. LDP Policy MD4 – Community Infrastructure and Planning Obligations also recognises that regard should be given to development viability. The supporting text to this policy states:

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 (such as education facilities to meet the additional pupil demand) has been made available.

Following lengthy negotiation with the applicant, evidence was provided in support of their arguments that the development costs would undermine the commercial viability and ultimate deliverability of the site, if the full affordable housing and other Section 106 contributions were secured. The developer submitted a viability appraisal, which includes details such as development revenue, development costs, abnormal development costs (such as ecological mitigation and off-site highway improvements), professional fees, finance costs, build contingency, land value and infrastructure costs. The viability appraisal though is confidential given it contains commercially sensitive information. It is, however, available on file for Member's Inspection on request.

The District Valuer (DV) was appointed as an independent expert to scrutinise, analyse and review the submitted information and advise the Council on the development viability. The DV's Report looked at a number of development scenarios, with varying percentage provision of affordable housing, against factors including a reasonable level of developer profit and benchmark land values identified within the LDP process.

This evidence was independently verified by the District Valuer who undertook sensitivity testing of the proposals. They concluded that based on a (policy compliant) 35% Affordable Housing provision in addition to the S106 contributions, the residual value of land would be well below the benchmark land value and the scheme would not be viable. The DV concluded that with a financial contribution totalling £245,954 that the development would be viable with an affordable housing provision of four one bedroom units. The DV also recommended that any S106 agreement include provision for a viability review, in order that the viability information can be re-assessed if any significant time lapses between the determination of the application and sale of the dwellings. This is proposed in the recommendation below.

In light of the above, the relevant obligations are discussed in turn below:

Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools. Planning Policy Wales (PPW) (Ed. 10) Paragraph 3.5.7 emphasises that supporting infrastructure is crucial to new development. It makes it clear that development control decisions should take account of social considerations relevant to land use issues, of which education provision is one.

LDP Policy MD4 – Community Infrastructure and Planning Obligations requires proposed developments for residential developments, to improve community infrastructure for educational facilities.

The mechanism for calculating the education requirement is outlined within the Planning Obligations SPG. Rounded up to a full education place and based on 17 units (i.e. not including the 4 no one bed units), the development will generate the following demand:

- Pre-school = $17 \times 0.1 = 1.7$ (2 places)
- Primary = $17 \times 0.278 = 4.726$ (5 places)
- Secondary (11-16yrs) = $17 \times 0.208 = 3.536$ (4 places)
- Secondary (16+) = $17 \times 0.04 = 0.68$ (1 place)

The cost per school place, based on SPG values, are:

- Nursery and Primary - £14,463.26 x number of places required
- Secondary - £21,793.42 x number of places required (11 - 16)
- Secondary - £23,635.40 x number of places required (post 16)

The primary schools serving the development are;

- St Illtyd Primary for English medium provision (78.5%)
- Ysgol Dewi Sant for Welsh medium provision (7.5%)
- Wick & Marcoss for CIW provision (11%)
- St Helens RC provision (0.5%)
- Ysgol Y Deri for Special provision (2.5%)

The Secondary School serving the development are;

- Llanilltud Fawr for English medium (93%)
- Ysgol Gyfun Bro Morgannwg for Welsh medium (4.5%)

- St Richard Gwyn (2%) and
- Bishop of Llandaff (0.5%) for Denominational provision

Nursery - 2 nursery children generated. The development is served by the primary schools above. The Education Authority has advised that there is no spare capacity at nursery level within all types of provision to accommodate the development. The authority would therefore seek a S106 contribution for 2 nursery children at a cost of £18,249 per place totalling £36,779 to enhance educational provision.

Primary - 5 primary pupils generated. The development is served by the primary schools above. The Education Authority has advised that there is no spare capacity at St Illtyd and Wick (92.5%) to accommodate the development in future when taking into account of approved housing developments. Based upon this information, the LPA would seek a S106 contribution for 5 places at a cost of £18,249, equalling £91,249.

Secondary level - 11 secondary age pupils generated (13 pupils aged 11-16). The development is served by the secondary schools above. The Education Authority has advised that there is no spare capacity in Llanilltud and limited capacity in Ysgol Bro Morgannwg, St Richard Gwyn and Bishop of Llandaff in future to accommodate the development that takes account of approved housing developments. Based upon this information, the LPA would seek S106 contributions for 4 places (11-16) at a cost of £27,498, equalling £109,992 and 1 (16+) at £29,823, totalling £139,815 for secondary education.

The total education contribution required of this scheme would be £267,843, calculated on the above basis. However, as noted above the scheme has been subject to viability testing and lengthy negotiation. The developer has agreed to provide a financial contribution toward nursery, primary and secondary level of **£245,954** to be secured through a Section 106 agreement. This sum is considered reasonable to offset the educational demand arising from the development, noting the averaged figure (where not rounded up to full places) would equate to approx. £234,787.

Affordable Housing

4. no one-bedroom social rented units are proposed as affordable units and this represents a provision of 19% within the 21-unit scheme. It is acknowledged that such a level of provision of on-site affordable housing falls below the 35% requirement in the Llantwit Major area, as Policy MG4 – Affordable Housing of the LDP, refers.

In line with the guidance set out in the Planning Obligations SPG in regard to viability and at a national level by Welsh Government, it was considered that the provision of a reduced level of affordable housing was acceptable to allow the delivery of this part of the site. It is considered that an acceptable balance has been struck between prioritisation of infrastructure improvements and delivery of affordable housing. The provision of one-bedroomed units corresponds with the type of affordable unit in greatest demand within the Llantwit Major Ward.

Other Planning Obligations

The Planning Obligations SPG indicates that other contributions would have been sought based on a viable scheme of 21 dwellings:

Sustainable Transport: £2,300 per dwelling, equating to £48,300 in total.

Community Facilities: £1,260 per dwelling, equating to £26,460.

Public Art: 1% of build costs.

In this instance, the developer has agreed to undertake off-site improvement works to improve the footway/ cycleway immediately adjacent to the site. This was considered necessary to facilitate the development, but does offer improvement in sustainable transport provision in the locality of the site. In light of aforementioned viability constraints, it was considered reasonable to prioritise contribution towards affordable housing and education, in line with the supporting text to Policy MG4 of the LDP.

RECOMMENDATION

Subject to the relevant person(s) first entering into a Section 106 Legal Agreement or undertaking to include the following necessary planning obligations:

- Procure that 19% (4) of the dwellings built on the site pursuant to the planning permission are built and thereafter maintained as affordable housing social rented units in perpetuity.
- Pay a contribution of £245,954 for the provision or enhancement of education facilities to meet the needs of future occupiers

Provide a mechanism to ensure that in the event the development is not completed within 24 months, a development viability review is triggered.

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:

Reason:

House Type - Maidstone Rev A End Terrace Plans and Elevations
House Type - Folkestone End Terrace Rev A Elevations and Floor Plans
House Type - Folkestone End Terrace Plans and Elevations
House Type - Maidstone Mid Terrace Elevations and Floor Plans
House Type - Alder Plans And Elevations
House Type - Buchanan Detached Rev A Plans and Elevations
House Type - MORESBY_Planning-Terrace End
House Type - ROSEBERRY_Planning_Terrace End Rev A
House Type - ROSEBERRY_Planning_Terrace Mid Rev B
AMP-02 Rev E Access & Movement Plan
ECO-02 Rev E Ecology & Native Structure Planting Area and Locations
EW-02 Rev E External Works Layout
HF-02 Rev E House Finishes Layout
TP-02 Rev E Phase 2 - Site Layout

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 ensure that visual amenities are safeguarded, and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

4. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. The programme and scheme shall be fully completed as defined in the approved details.

Reason:

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

5. No development shall commence until a detailed scheme for the surface water drainage of the site, showing how road and roof / yard water will be dealt with has been submitted and approved in writing by the Local Planning Authority. If infiltration techniques are used, then the plan shall include the details of field percolation tests and calculations for onsite attenuation or discharge, together with the details on the future management of the drainage system. The approved scheme must be fully implemented prior to the first beneficial occupation of any of the approved units.

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 MD2 (Design of New Development) of the Local Development Plan.

6. Notwithstanding the submitted plans, no development shall commence until full engineering details of the proposed off-site works to the combined cycle/footway link between the site, the B4265 and Llantwit Road, have been submitted and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved plans and completed before the first beneficial occupation of the development.

Reason:

To ensure that the works are designed and constructed in accordance with the Council's standard details for adoption, in the interests of highway safety and sustainable transport, in accordance with policy MD2 of the LDP.

7. Notwithstanding the details contained within the submitted noise survey report, no development shall take place until further details of the noise mitigation measures to be installed, based upon the approved layout, shall be submitted to and agreed in writing by the Local Planning Authority. The mitigation measures shall thereafter be fully implemented in accordance with the approved details prior to the first beneficial occupation of the approved units.

Reason:

In the interests of the amenities of future occupiers of these dwellings in accordance with policies MD2 (Design of New Development) and MD7 (Environmental Protection) of the Development Plan and the advice contained within Technical Advice Note 11: Noise.

8. No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xii) diesel and oil tank storage areas and bunds;
- xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorscheme.org.uk) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

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

Reason:

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

9. No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. 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), SP10 (Built and Natural Environment), MD1 (Location of New Development), MD2 (Design of New Developments) of the Local Development Plan.

10. 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), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

11. Notwithstanding the submitted details, prior to the commencement of construction of any of the dwellings, a scheme for the provision (including details of the Local Area of Play and the timing of provision) and maintenance of the Public Open Space shall be submitted to and approved in writing by the Local Planning Authority, to include details of the timing of its provision. The Public Open Space shall be provided in accordance with the approved details and so retained at all times thereafter.

Reason:

To ensure the timely provision of the public open space and to ensure compliance with Policies MD2 and REC3 of the Local Development Plan.

12. The development shall be carried out in full accordance with the details and measures within document: edp3775_r009 Dormouse Mitigation Strategy

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphical Sites and Priority Habitats and Species) of the Local Development Plan.

13. Prior to the commencement of development, a light mitigation strategy, including measures to reduce light spillage onto wildlife corridors/mitigation habitats identified on drawing 'Ecology Masterplan' EM-05 Rev C received 06 October 2017 and detailed within the approved Dormice (C_EDP3775_01b), Reptile (EDP3775_02a) strategies, shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details and maintained as such in perpetuity.

Reason:

In the interests of ecology and to ensure compliance with In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphical Sites and Priority Habitats and Species) of the Local Development Plan.

14. No development, including site clearance, shall take place until a Reptile Mitigation Strategy has been submitted to and approved by the Local Planning Authority. The development shall thereafter take place in accordance with the details and measures set out within the strategy.

Reason:

In the interests of ecology and to ensure compliance with In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphical Sites and Priority Habitats and Species) of the Local Development Plan.

15. No development shall take place until a long term habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include:

- i) Details of the habitats to be managed and their desired condition;
- ii) The nature of management operations required to deliver and maintain the condition of the habitat
- iii) Details of development and construction methods and measures to be taken to minimise the impact of any works; and
- iv) Details of appropriate timing, scheduling and phasing of completion of the protection and enhancement plan.
- v) Proposals for on-going review of management as informed by a protected species monitoring scheme.

The approved management plan shall be carried out and shall be monitored and managed at all times in accordance with the approved details in perpetuity.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MG19 (Sites and Species of European Importance) / MG20 (Nationally Protected Sites and Species), MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphical Sites and Priority Habitats and Species) of the Local Development Plan.

16. Notwithstanding the submitted details a schedule of materials (including samples) to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be completed in accordance with the approved details prior to beneficial occupation of any of the dwellings.

Reason:

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

17. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the dwelling that they relate to.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), MD5 (Development within Settlement Boundaries) 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 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 (LPA). 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 LPA. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the LPA. 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 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 (LPA) in advance of its importation. Only material approved by the LPA 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 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 (LPA) in advance of its importation. Only material approved by the LPA 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 MD7 (Environmental Protection) of the Local Development Plan.

21. 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) and the scheme of enclosures approved under condition 5, no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of the principle elevation of that dwelling house or a side elevation where it abuts a highway used by vehicular traffic.

Reason:

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

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1-Delivering the Strategy, SP3-Residential Requirement, SP4-Affordable Housing Provision, Policy SP7-Transportation, SP10-Built and Natural Environment, MG1-Housing Supply in the Vale of Glamorgan, MG2 – Housing Allocations; MG4-Affordable Housing, MG6 – Provision of Educational Facilities; MG7 Provision of Community Facilities, MG19 - Sites and Species of European Importance MG20-Nationally Protected Sites and Species, MG21 - Sites of importance for nature conservation, regionally important geological and geomorphological sites and priority habitats and species; 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 and MD9-Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance, including Residential and Householder Development, Affordable Housing, Planning Obligations, Parking Standards, Public Art, Biodiversity and Development, Sustainable Development and Trees, Woodlands, Hedgerows and Development, and national guidance contained in Planning Policy Wales, TAN1-Joint Housing Land Availability Study, TAN2-Planning for Affordable Housing, TAN5-Nature Conservation and Planning, TAN12-Design, TAN16-Sport, Recreation and Open Space, TAN20 – Planning and the Welsh Language and TAN24- Historic Environment, it is considered that the proposal represents an acceptable form of residential redevelopment of the site that should not result in any significant harm to the visual amenity of the area. The proposal is also considered acceptable in respect of neighbouring and general residential amenity, highway safety, affordable housing and infrastructure. In addition, subject to appropriate conditions, there should be no detriment to ecology interests on the site, and sufficient evidence has been submitted to show that provisions for the adequate drainage of the site can be made.

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.

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. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be**

advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).

- 3. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 4. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 5. The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
- 6. Part of the development is on adopted highway and therefore a Highway Extinguishment under the Highways Act 1980 will be required before work can commence. For further details please contact the Highways Department, The Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff; CF5 6AA. Telephone No. 02920 673051.**
- 7. 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.**
- 8. Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by the Welsh Assembly Government in accordance with the aforementioned Regulations.**
- 9. In order to comply with Section 71ZB(5) of the Town and Country Planning Act 1990 (as amended), the applicant/developer must complete a 'Notification of initiation of development' form, which can be found in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. The notification shall be submitted in the form specified to the Local Planning Authority.**

At all times when the development is being carried out, a notice shall be firmly affixed and displayed in a prominent place at or near the place where the development is being carried out. The notice shall be legible and easily visible to the public without having to enter the site and printed on a durable material. The notice shall be in the form specified in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

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.

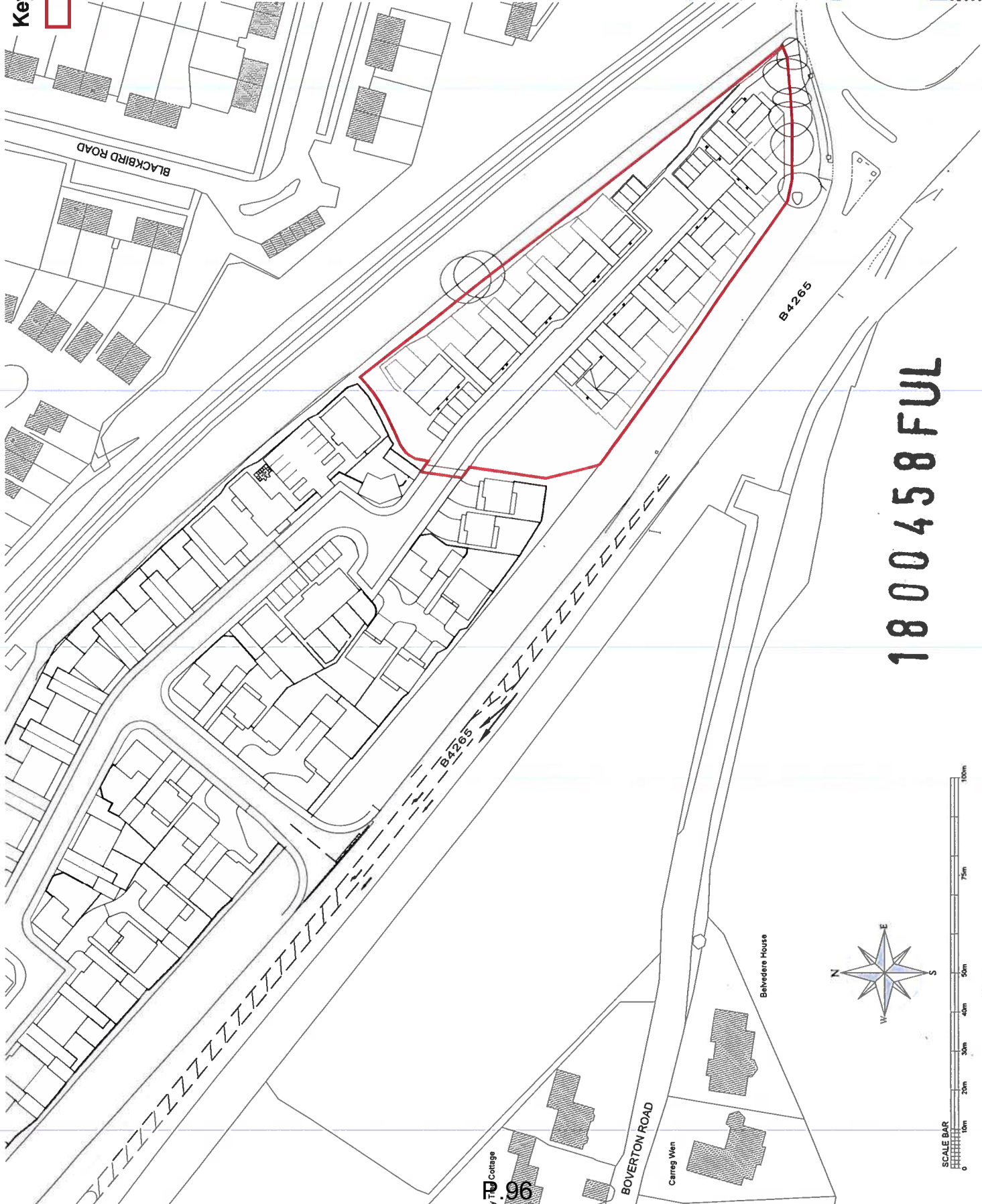
In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

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.

Key

Application Boundary



REV.	DESCRIPTION	DATE
CLIENT Barratt Homes South Wales		
JOB TITLE Land North of B4265, Boverton, Phase 2		
DRAWING TITLE Site Location Plan		

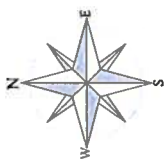
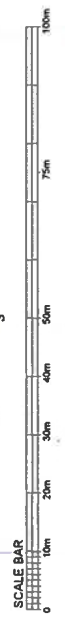
SCALE @ A4	DATE	DRAWN BY
1:1250	Feb '18	RW
JOB NO.	DRAWING NO.	REVISION
1753	SLP-01	*

hammond
Architectural Ltd

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Newport
NP20 4PH
01633 841970
info@hammond-ltd.co.uk
www.hammond-ltd.co.uk

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Figured dimensions must be taken in preference to scaled dimensions and any
subcontractors and suppliers must verify all dimensions on site before
commencing any work or making any workshop drawings.

1800458FUL



96
y T Cottage

BOVERTON ROAD

Carreg Wen

Behedere House

B4265

BLACKBIRD ROAD

2018/01373/FUL Received on 14 June 2019

APPLICANT: Mr. J. Melessa-Thompson C/o Agent

AGENT: Mrs. Arran Dallimore C2J Architects & Town Planners, Unit 1a, Compass Business Park, Pacific Road, Ocean Park, Cardiff, CF24 5HL

Greenfield, East Street, Llantwit Major

Proposed residential development of four detached dwellings with on site parking and new private shared access onto Spitzkop

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because it has been called in by Cllr Gwyn John due to the high level of public interest and strong local objections.

EXECUTIVE SUMMARY

The site is located in the centre of Llantwit Major and is also within the Llantwit Major Conservation Area. It is land associated with Greenfield, which faces on to East Street, but also bounds Spitzkop to the south. The boundary of the site with Spitzkop is also where the Conservation Area boundary terminates. There are several mature trees on the site, some of which (Ash, Lime and Sycamore) are subject to a Tree Preservation Order. The site is approx. 0.15.ha in size and it is proposed to erect four dwellings, with vehicular access obtained via Spitzkop.

Seven letters of representation have been received, one of which was jointly signed by ten residents of the adjacent flats at Loveluck Court. An objection was made by Cllr G John on the grounds of the impact to the Conservation Area, detriment to biodiversity, unsafe access, parking congestion and highway safety. An objection was made by Cllr S Hanks on the grounds that the site is too small to accommodate the development, insufficient parking provision, unsafe access, traffic congestion and highway safety concerns. Llantwit Major Town Council objected on the grounds that the access is via a narrow cul-de-sac, vehicles park on the roadside, detrimental impact to residents of Spitzkop, and that the site would be overdeveloped being in a conservation area.

The principle of the residential development of the site is considered acceptable, given the location within an existing settlement. The principal considerations are therefore whether the development proposal is acceptable in terms of its design, density and scale, being within the Llantwit Major Conservation Area, whether it can be safely accessed and provides adequate parking, neighbouring amenity, amenity space provision, ecology, drainage, noise, as well as impacts associated with the loss of trees and prospective landscaping.

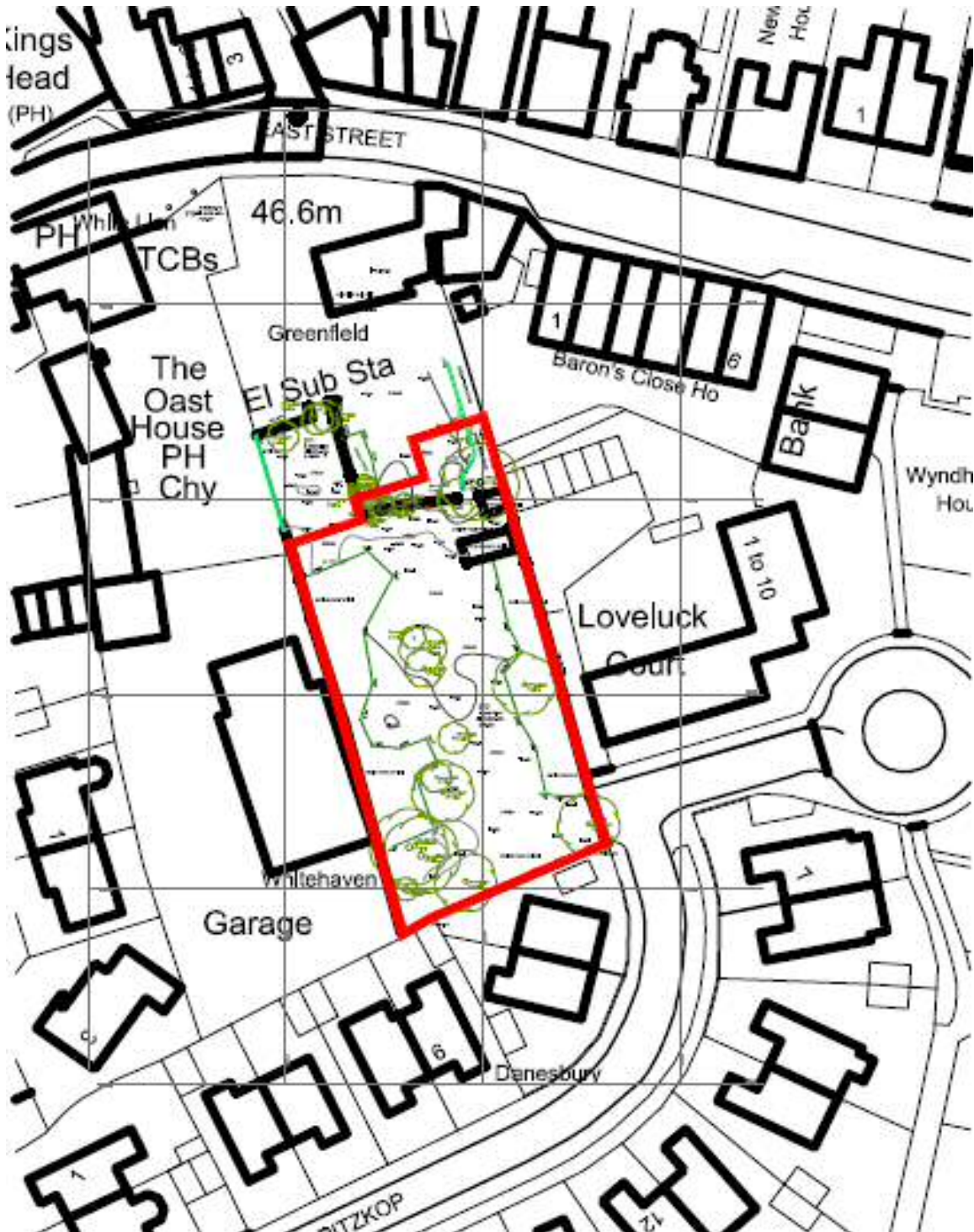
Having considered the above, it is considered that the proposed development is acceptable and the application is recommended for APPROVAL, subject to conditions as detailed within the main body of the report.

SITE AND CONTEXT

The site is located in the centre of Llantwit Major and is also within the Llantwit Major Conservation Area. It is land associated with Greenfield, which faces on to East Street, but

also bounds Spitzkop to the south. The boundary of the site with Spitzkop is also where the Conservation Area boundary terminates. There are several mature trees on the site, some of which (Ash, Lime and Sycamore) are subject to a Tree Preservation Order (041C – 1977 – 03 – A56.)

The site is approximately 0.15. ha in size and is illustrated in the below plan extract:



DESCRIPTION OF DEVELOPMENT

This application seeks planning permission for the erection of four detached dwellings on land south of Greenfield and a new vehicular access via Spitzkop. The proposed dwellings would be laid out with one facing east towards the access point to Spitzkop and the other

three facing southwards. It is proposed to have a private drive, one that would operate as a shared surface, with a shared bin storage area, turning head and a visitor parking space.

The layout of the proposed development is illustrated below:



The dwellings would have parking provision located on dedicated driveways to either the front or side of the dwellings, whilst a single detached garage is proposed to serve Plot 2 in addition to the driveway.

The dwellings are of a fairly traditional design, two stories in height with mainly rendered elevations, some random stonework and pitched roofs. Plots 2 – 4 (facing south) are four bedroom properties and are illustrated in the below plan extract:



The dwelling at Plot 1 is proposed to be a five bedroom property with a small dormer window to the rear elevation, finished with similar materials. It is illustrated in the below plan extract:



In order to facilitate the residential development of the site, works are proposed to a number of trees. The works would include the felling of 13 individual trees and two small groups of trees. Five trees are shown to be retained. The tree works have been outlined within the submitted Arboricultural Impact Assessment and are discussed in more detail within the body of this report.

PLANNING HISTORY

2016/00119/TCA, Address: Greenfield, East Street, Llantwit Major, Proposal: Removal of two Conifers, Decision: Approved

2017/00728/TCA, Address: Greenfield, East Street, Llantwit Major, Proposal: Removal of evergreen tree to the side of house, Decision: Approved

2017/01061/TPO, Address: Greenfield, East Street, Llantwit Major, Proposal: Work to trees covered by TPO no 3 1977 A56 and within the Llantwit Major Conservation Area. Decision: Approved

CONSULTATIONS

Llantwit Major Town Council objected to the proposals on the grounds that the access is via a narrow cul-de-sac, vehicles park along the roadside, it would have a detrimental effect on the residents of Spitzkop, it is part of a conservation area and the site would be overdeveloped.

Vale of Glamorgan Council Highway Development initially raised concern that principally related to visibility from and the junction shape at the proposed access. It was stated that no further objection was raised following the submission of a Technical Note and re-consultation.

Dwr Cymru / Welsh Water recommended a condition that required submission and approval of a detailed drainage scheme prior to commencement. They also advised that disposal of surface water to the main sewer shall only be made as a last resort and provided advisory comments relating to the requirements of the Water Industry Act 1991.

Vale of Glamorgan Council Ecology Officer recommended a condition that required the implementation of measures indicated within the Biodiversity Enhancement Strategy and advisory information relating to bats.

Shared Regulatory Services (Environment) recommended conditions relating to unforeseen contamination, imported aggregate and soil. They also provided general advisory notes relating to contaminants and unstable land.

Shared Regulatory Services (Neighbourhood Services) recommended conditions that required submission and approval of a Construction Environmental Management Plan prior to commencement, a restriction in working hours, and submission of a noise report and implementation of any mitigation prior to first occupation.

Cllr G. John objected to the proposals on the grounds that they would not preserve or enhance the character of the Conservation Area, cause detriment to biodiversity, impact upon the character of the existing property and cause detriment to highway safety. It was also commented that the proposed access would be unsafe, the development would exacerbate inappropriate parking and traffic congestion and emergency vehicles could not access the development.

Cllr S. Hanks objected to the proposals on grounds that the site is too small to accommodate the development, inadequate parking provision, unsuitable site access, the loss of a wall in a conservation area.

The remaining Llantwit Major Ward Councillors did not respond.

REPRESENTATIONS

The neighbouring properties were consulted on 17 December 2018. A site notice was also displayed on 21 December 2018 (on Spitzkop) and 4 February 2019 (on East Street). Six representations have been received, as well as a letter jointly signed by ten residents of the adjacent flats at Loveluck Court. Their grounds of objection have been summarised as follows:

- The proposed vehicular access has inadequate visibility and would be unsafe.

- There are existing parking problems and traffic congestion on Spitzkop which is a narrow road and is used by non-residents to access the town centre. These problems would be exacerbated by the development.
- Emergency vehicles and bin lorries have difficulty accessing and parking on Spitzkop. The bin lorry has to regularly reverse up the road because it cannot turn due to inconsiderate parking in the turning area.
- There is better access opportunity via East Street.
- Many residents are elderly/ disabled and require parking for them and their carers near to their homes.
- Noise, disruption, pollution and congestion from the construction process.
- Concern relating to the removal of trees and the biodiversity impact.
- Potential damage to neighbouring property, noting the boundary walls are unsafe.
- Loss of daylight to neighbouring windows and gardens.
- The neighbouring properties are incorrectly drawn and labelled on the plans and documents.
- Neighbouring letters not received, time to comment insufficient.
- Rats may vacate the site and nest in neighbouring properties.
- The ash tree on the site is dangerous.
- The development is too dense, with little or no garden space.
- The potential occupiers of the dwellings may experience noise pollution from the adjacent garage.
- The main sewer at Loveluck Court is broken and often required unblocking.

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan

POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species

Managing Development Policies:

POLICY MD2 - Design of New Development

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.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Accessibility
- Supporting Infrastructure

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing)

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks)
- 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 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 18 - Transport
- 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). 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:

- Biodiversity and Development (2018)
- Parking Standards (2019)
- Residential and Householder Development (2018)
- Trees, Woodlands, Hedgerows and Development (2018)
- Llantwit Major Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The consultation of this application has exceeded statutory requirements. The labelling of neighbouring properties on the plans appears to be derived its O.S. base maps and is an approximation only. The plans are of sufficient accuracy to allow assessment and determination of the application.

The main issues to consider in the assessment of this application are the principle of the development, the proposed scale, design and impact of the dwellings, the impact upon the Llantwit Major Conservation Area, visual amenities of the street scene, appropriate amenity standards and parking, the impact of the development on the adjoining neighbours, trees, biodiversity, and upon highway safety.

Principle of Development

The site falls within the settlement boundary of Llantwit Major, which is a 'key settlement' identified in the Adopted Vale of Glamorgan Local Development Plan 2011-2026, where new residential development is considered to be acceptable in principle, subject to detailed assessment of its impact and against the criteria of the other relevant policies in the Plan.

LDP Policy MD6 (Housing Densities) indicates that residential development will be permitted in such locations, where the net residential density is a minimum of 30 dwellings per hectare. It states that lower density levels will only be permitted where it can be demonstrated that the prescribed density would have an unacceptable impact on the character of the surrounding area or there are significant site constraints.

The provision of four dwellings on a site area of approximately 0.15 (ha) is slightly below 30 dwellings per hectare in terms of density, the expected yield being 4.5. Nevertheless, it is located within the Llantwit Major Conservation Area and there are trees subject of a Tree Preservation Order on the site. The proposed density, in such circumstances, is considered acceptable in principle and would comply with the aims of Policy MD6.

Impact upon the Llantwit Major Conservation Area

The site is within the Llantwit Major Conservation Area (shown on plan extract below) and as such Policy MD8 – Historic Environment of the LDP is relevant and requires new development to either conserve or enhance its character.

dwelling would not be over-scaled or overly prominent when viewed from East Street or other points within the Conservation Area. The gaps between the row of detached dwellings are fairly small, but not to such a degree that the dwellings might appear as overly cramped within the site. The built development in the centre Llantwit Major is, with the exception of Greenfield, nevertheless characterised by a high density.

The houses are of relatively traditional design, and would be mainly rendered with some feature stone and synthetic slate roofs. The design of the dwellings is considered acceptable in principle, subject to suitable control over finishes by condition. A natural slate roof cover would be preferred within the Conservation Area context, although a high quality textured synthetic version may also be appropriate, subject to sample details. The materials are a suitable mixture for new dwellings in this context and are not dissimilar to the mixture seen within the Conservation Area, where there is brick, render, slate and stone cladding present on the older buildings. Greenfield itself appears to be of brick construction with a rendered finish to the elevations. The roof pitches have been steepened since first submission and now better reflect the more traditional roof pitches in the area. The proposed dwellings, considered as a whole, are of an appropriate design for this Conservation Area and would be sympathetic to the surrounding built environment.

The stone wall bounding the site is in a varying state of disrepair. It is noted in representation that part of the wall was demolished in the location of the proposed access off Spitzkop. In reviewing historic street records, it does appear as though a (now absent) section of wall may have been located across the access point, though it is not clearly visible beneath dense ivy growth. It is unlikely that, considering the height of the wall and length of the current gap, such works would have required Conservation Area Consent. In any case, the wall adjacent to Spitzkop is in a dilapidated state and the removal of a short section would have likely been considered acceptable in order to facilitate access. It has been identified that a further section of wall may require removal or a reduction in height to improve inter-visibility at the access to Loveluck Court. The removal or reduction of this wall, across approximately 6m in length, is considered acceptable in principle, subject to detail as to how it is to be carried out, materials and the repair works required to the remainder of the wall. If so repaired, the wall would offer an overall visual benefit and some enhancement to the character of the Conservation Area, even if a short section was lost.

The proposed dwellings are considered to be of an appropriate design and scale for their context, and overall the proposals would, at the very least, preserve the character of the Llantwit Major Conservation Area. The development is therefore considered to be in accordance with LDP policy MD8 and Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act, 1990.

Localised Visual Impact

Policy MD5- Development within Settlement Boundaries and the general design criteria set out in Policy MD2 (Design of New Development) requires that the scale, form and character of the proposed development be sympathetic to the environs of the site and the principles of good design, while minimising the impact upon adjacent areas. This sentiment is supported by Planning Policy Wales (10th Ed.) and TAN12- Design (2016).

The site, if developed as proposed, would have a closer relationship to Spitzkop and the built development that surrounds it to the south and the east. The dwellings on Spitzkop are principally detached mid-20th Century bungalows, rendered with shallow pitched roofs. Loveluck Court meanwhile comprises 2.no three storey blocks of flats. The development

would be located within its own cul-de-sac, where two storey houses are considered to be an appropriate scale and would not detract from the character or street scene along Spitzkop.

The four dwellings would each face on to the internal road, provide consistent frontage, with sufficient spacing between each property. The simple and traditional pitched roof design, as well as the render and stone finish, are also considered acceptable. It is, therefore, considered that the development would respect the built environments at Spitzkop and Loveluck Court and would not be damaging in visual amenity terms from such localised viewpoints.

Impact on Trees

The proposed tree works comprise of the felling of 13 trees within the site. The trees to be felled include mature trees, juvenile 'self-seeded' trees, shrub and some fruit trees, all of varying species, health and quality. The application has been supported by an arboricultural survey that outlines the proposed works and has classified the trees according to their condition and contribution to amenity. The trees on the site fall within Categories B1, C1 or C2. Trees within 'Category B' are of moderate quality, capable of retention for more than 20 years. Trees within 'Category C' are of low quality, typically suitable for retention for between 10 - 20 years.

The development of the site would inevitably require the removal of some trees given the number that exist across the site, irrespective of the unit numbers and layout. The removal of shrub, juvenile, holly and fruit trees is considered acceptable in principle given their limited contribution to amenity, particularly as many have grown haphazardly across the site, it having had limited maintenance over the years. The following assessment focuses on those of greater identified value, namely:

It is proposed to fell trees that are subject to the Tree Preservation Order (TPO):

Group 1 – Elm – Category C2
Tree 1 – Elm – Category C1
Tree 15 – Sycamore – Category C1
Tree 17 – Lime – Category B1

In addition, it is proposed to fell two 'Category B' trees that have not been made subject of a TPO:

Tree 7 - Ash – Category B1
Tree 11 – Elm - Category B1

The following TPO trees are indicated to be retained:

Tree 2 – Ash – Category B1
Tree 3 – Ash – Category C1
Tree 4 – Ash – Category B1
Tree 5 – Ash – Category B1
Tree 19 – Sycamore - Category B1

A landscaping scheme has been proposed which indicates replacement trees to be planted (including some of a heavy standard) in place of those to be felled. Nevertheless, there was

initial concern with the breadth of the proposed felling, particularly as mitigation planting may take some time to establish and the replacement tree would not itself be subject of a preservation order. A revised layout has been submitted with additional trees shown to be retained within Plot 1, following a reduction in size of the dwelling, its relocation and the omission of a detached garage.

In consideration of the better quality trees on the site, two of those (1x Ash and 1x Elm) are not subject to a TPO and are positioned fairly centrally within the site. The lime tree meanwhile is tall, mature and displays good form. The arborist's comments note it has been subject of a crown lift in the past, but a decaying wound was present to the northern side of the stem, a wound existed to the northernmost branch, and there is major deadwood within the crown. It nonetheless contributes to amenity, has moderate life expectancy and such faults are not uncommon in mature trees.

The retention of the trees is clearly desirable and encouraged by the guidance within the Trees, Woodlands, Hedgerows and Development SPG, which states development should be guided and adapted to prevent harm to trees within Categories A and B. The option of retaining the lime tree has been considered, but would most likely result in the loss of a unit (Plot 4 or equivalent) from the proposed scheme. The retention of the Ash and Elm would similarly require a reduction in units alongside a major reconfiguration of the layout. It is considered that the retention of all three (together with those already identified to be retained) would be likely to render the residential development of the site practically impossible.

It is considered that the revised proposals have struck an acceptable balance between the beneficial development of the site, helping to meet projected housing demand, and retaining as many of the better quality trees within the site as is reasonably possible. In addition, it should be noted that there remains significant scope for mitigation through new tree planting within the site. Whilst a landscaping scheme has been submitted, a revised scheme indicating at 12 replacement trees (including a greater concentration of 'heavy standard' replacements) is considered necessary to mitigate the loss of the trees in question.

Ecology

The Ecology officer has been consulted, and following an assessment of the potential of the site to support protected species, has raised no objection subject to implementation of the measures proposed within the biodiversity enhancement strategy. This is required by condition 13.

If so present on the site, rats are not a protected or controlled species, and while residents' concerns are noted, there is no demonstrable evidence to suggest that rats would relocate to neighbouring land (if they are present on site).

Parking and Highway Safety

The representations have raised concerns over the increase in traffic, and highway safety concerns relating to possible parking congestion and visibility at the site access. The residents' concerns are noted; however, the proposal does include parking for three vehicles within the curtilage of each dwelling and potential for visitor parking on the shared surface area.

Three parking spaces per dwelling is the maximum applicable standard for this development according to the Parking Standards SPG. In relation to 'maximum standards' TAN18 – Transport states that *“Maximum parking standards should not be applied so rigidly that they become minimum standards. Maximum standards should allow developers the discretion to reduce parking levels.”* Indeed, the site is centrally located with access to local shops, services and public transport within walking distance and a lower provision would often be considered acceptable in such a central location. Nonetheless, a high demand for parking within Spitzkop has been cited in representation and also has been observed as part of the Officer's site visit. Three spaces per dwelling (i.e. the maximum that should be provided) is considered appropriate in this instance and would ensure parking overspill need not occur.

The application is supported by a Transport Note (TN) prepared by Lime Transport. The note states that no accidents have been reported within the vicinity of the site in the past 5 years and that impact to the highway network from traffic generation would be minimal. It also includes the results of traffic surveys, an assessment of access visibility and the results of a tracking exercise for a medium sized car. It concludes that the access has adequate visibility for the recorded speeds, though recommends an adequate visibility splay be provided with the access to the rear of Loveluck Court. This may necessitate work to the boundary wall, but can be secured by condition (see condition 5).

The TN also demonstrates that a medium sized car can access and egress from the parking spaces proposed for Plot 1, as well as navigate the turning head. The turning head could also feasibly allow for larger vehicles, vans etc. to turn within the site given the excess clearance shown in the tracking exercise. It is less likely to be suitable for a refuse collection vehicle, but a collection area is provided within a reasonable distance of Spitzkop so these vehicles would not be required to leave the adopted highway to collect refuse.

In relation to emergency vehicles, Manual for Streets states fire appliances (i.e. engines) should be able to reach within 45m of dwellings, require 3.7m carriageway width for operating space and should not be required to reverse more than 20m. The internal shared access (though not a carriageway, per se) is c. 4m minimum width, allowing for adequate emergency access. The dwellings are, in any case, less than 45m from Spitzkop and the reversing distance not significantly more than 20m if such vehicles were to enter on to the site and were unable to turn.

No objection was raised by the Council's Highways Department following submission and review of the Transport Note. In conclusion, the layout affords sufficient parking provision, access for emergency vehicles and adequate visibility on the new junction with Spitzkop. The engineering detail for the new access, though acceptable in principle, would be subject of separate application made to the Highway Authority. In conclusion, the development is considered acceptable in relation to highway safety, parking and traffic implications.

Neighbouring Amenity

The dwelling at Plot 1 was initially proposed in close proximity to the boundary with Whitehaven, to the south. The layout has since been amended, with the dwelling reduced in size and now shown to be approximately 9m from the boundary wall. The ground level, though not confirmed at this stage, is somewhat higher on Greenfield than at Whitehaven. The revisions have ensured, however, that no significant impact in relation to shading, overbearing impact or loss of light would occur to this or other neighbouring properties. Plot 1 is adjoined at the rear by a commercial garage, whilst the opposite elevation at Loveluck

Court to the front does not contain any windows. This dwelling is considered acceptable in relation to neighbouring amenity.

The dwelling at Plot 2 also adjoins land relating to the commercial garage to the west, whereas the dwelling at Plot 4 adjoins the garages and turning area to the rear of Loveluck Court. The Plots 2 – 4 have a separation of approx. 9.5m between the two storey elements of the dwellings (sufficient to maintain privacy, given the length of the neighbouring garden) and the proposed new rear boundary with Greenfield. These dwellings would also not cause any significant shading, overbearing impact or loss of light to neighbouring properties.

The dwelling at Plot 4 has windows within the front that would be approximately 18m from those within rear elevation of Loveluck Court, at an angle of approximately 75 degrees. The windows do not directly face one another, and though no SPG distance value exists for this specific relationship, it accords with broad standards outlined within the document. The distance to the rear boundary is also considered acceptable and sufficient to ensure the residential amenity of the occupiers of Greenfield is not significantly compromised by this development. The impact of the development upon privacy is considered acceptable overall.

In relation to construction, a degree of noise and disturbance from the works is inevitable. The impact is temporary and not in itself adequate justification for refusal of planning permission. A condition requiring the submission of a Construction and Environmental Management Plan, to include measures designed to reduce the potential for disturbance and manage the development has been recommended by the Environmental Health Officer (see condition 8).

Amenity of the Occupiers

The Residential and Householder Development SPG indicates a requirement for amenity space equating to 20sq.m per person. The proposed dwellings should therefore provide a minimum of 80sq.m amenity space each. The SPG also requires garden areas of the dwelling to be of a useable shape, form and topography.

The dwellings on Plots 2 – 4 provide approximately 70sq.m amenity space each. It is recognised that this is slightly short of the standard within the SPG. The areas are, however, easily accessible and laid out in a practical manner. It is considered that they provide sufficient space to cater for the fundamental outdoor amenity and relaxation requirements of the occupiers. Plot 1, meanwhile, would have an amenity space approximately 280sq.m in size, notably as there are four trees shown to be retained in this garden. There is still more than sufficient amenity space to serve this dwelling and ensure the trees themselves are not harmful to the amenity of the occupiers. The development is considered acceptable in relation to amenity space provision.

The dwellings at Plot 1 and 2 are particularly close to a commercial garage to the rear of the property. The Council's Environmental Health Officer was consulted and has not objected to the development, but has raised concern relating to the degree of noise to which prospective occupiers of parts of the development might be subjected.

Having regard to the guidance contained within Technical Advice Note 11: Noise (1997), the level of noise within the site is highly unlikely be of a significance (it is not, for example, adjacent to a major industrial site or transportation routes) where a refusal of the application might be warranted. No significant or persistent noise was observed during the Officer's site visit and no night time impact can reasonably be expected to occur. Nevertheless, such

industrial (Class B2) uses are a known source of potential noise and some further mitigation may be required, dependent on its severity.

The amenity of potential occupiers can be adequately protected through the submission of a noise assessment (and scheme of mitigation, if so required) for consideration prior to the commencement of development. The garden already benefits from the sound attenuation properties of the stone wall and so further mitigation measures (i.e. taller acoustic enclosures) for the garden are not considered practicable or necessary (see condition 9).

Flooding and Drainage

This site is not located in DAM zones at risk of tidal or fluvial flooding and NRW maps indicate there is a very low risk of surface water flooding the highway adjacent to the site.

The application form indicates that the surface water would be disposed via the mains sewer. For all new developments, infiltration should be the primary method of surface water disposal, prior to any other method being considered. Therefore, while there is no objection to the proposals from Welsh Water, a condition requiring submission of a detailed drainage scheme and an assessment of the capability to provide sustainable drainage system has been recommended (see condition 4).

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

AL(90)01_Rev A_Location Plan
AL(00)02_Proposed PLOT 2-4 plans and elevations Rev B
AL(00)01_Proposed Plans (Plot 1) Rev E
AL(00)02_Proposed Elevations (Plot 1) Rev E
AL(90)05 Rev K - Proposed Site Plan
AIA 02 Arboricultural Impact Assessment
TPP 02 Tree Protection Plan - Aug 2019
DCE1054 - Biodiversity Enhancement Strategy v2 - July 2019

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 ensure that visual amenity and the character of the Conservation Area are safeguarded, and to ensure the development accords with Policies MD2 (Design of New Development) and MD8 (Historic Environment) of the Local Development Plan.

4. No development shall commence until a detailed scheme of foul, surface water and land drainage of the site, to include an assessment of the potential to dispose of surface and land water by sustainable means, has been submitted and approved in writing by the Local Planning Authority. If infiltration techniques are used, then the scheme shall include the details of field percolation tests and calculations for onsite attenuation or discharge, together with the details on the future management of the drainage system. The approved scheme must be fully implemented prior to the first beneficial occupation of any of the approved units and thereafter retained in perpetuity.

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 MD2 (Design of New Development) of the Local Development Plan.

5. No works shall be undertaken to the boundary wall until details of the extent of works to provide visibility at the site access, the materials to be used in the repair to stone wall and a method statement for the carrying out of these works have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, prior to the first beneficial occupation of any dwelling.

Reason:

In the interest of visual amenity and to protect the character of the Llantwit Major Conservation Area in accordance with Policies MD2 (Design of New Development) and MD8 (Historic Environment) of the Local Development Plan

6. Notwithstanding the submitted details, a schedule of materials (including samples) to be used in the construction of the dwellings, shared surface and other hard surfaced areas of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the first beneficial occupation of the development.

Reason:

To safeguard local visual amenities and the character of the Conservation Area, as required by Policy MD2 (Design of New Development) and MD8 (Historic Environment) of the Local Development Plan.

7. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

To safeguard local visual amenities, the character of the Conservation Area and the residential amenity of occupiers of the development, and to ensure compliance with MD2 (Design of New Development), MD7 (Environmental Protection) and MD8 (Historic Environment) of the Local Development Plan.

8. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding;
- v) wheel washing facilities;
- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vii) hours of construction;
- viii) management, control and mitigation of noise and vibration;
- ix) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
- x) a system for the management of complaints from local residents which will incorporate a reporting system.

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

Reason:

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

9. The dwellings shall be constructed so as to provide sound insulation against externally generated noise to achieve internal levels of no greater than 35dB(A) Leq 16 hour during the day. A schedule of how this is to be achieved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The noise mitigation works shall be completed as approved before the first beneficial occupation of the dwellings and thereafter retained in perpetuity, unless it has first been demonstrated that the internal noise level can be achieved without such works.

Reason:

To safeguard the amenities of the occupiers of the development, and to ensure compliance with the terms of Policies MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

10. No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and a schedule of planting that includes no less than 12 replacement trees.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

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

12. The development shall be carried out in full accordance with the tree protection measures outlined on plan TPP 02 Tree Protection Plan (dated Aug 2019). The protective fencing shall be erected in accordance with the approved specification before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

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

13. The development shall be carried out in full accordance with the measures outlined within document ref: DCE1054 - Biodiversity Enhancement Strategy v2 - July 2019.

Reason:

In the interests of ecology and to ensure compliance with MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) and MD9 - (Biodiversity) of the Local Development Plan.

14. No dwelling shall be occupied until the parking spaces have been laid out within the site in accordance with drawing no AL(90)05 Rev K - Proposed Site Plan.

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 Policy MD2 (Design of New Developments) of the Local Development Plan.

15. 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 MD7 (Environmental Protection) of the Local Development Plan.

16. 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 MD7 (Environmental Protection) of the Local Development Plan.

17. 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 MD7 (Environmental Protection) of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1– Delivering the Strategy, SP10 – Built and Natural Environment, MG1 – Housing Supply in the Vale of Glamorgan, Policy MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species MD2 - Design of New Development, MD5 – Development within Settlement Boundaries, MD6 - Housing Densities, MD7 – Environmental Protection, MD8 – Historic Environment and MD9 - Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the advice within the Council's Model Design Guide for Wales, Residential and Householder Development (2018) and Trees and Development, Planning Policy Wales 10th Edition and TAN5 – Nature Conservation and Planning, TAN10 – Tree Preservation Orders, TAN12- Design, TAN18 – Transport and TAN24- Historic Environment it is considered that the proposed dwellings would be acceptable in respect to their relationship to the existing built environment, the visual amenities of the street scene, neighbouring amenity, parking and highway safety, drainage as well as trees and landscaping. The development would also preserve the character of the Llantwit Major Conservation Area in accordance with Section 72 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

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.

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

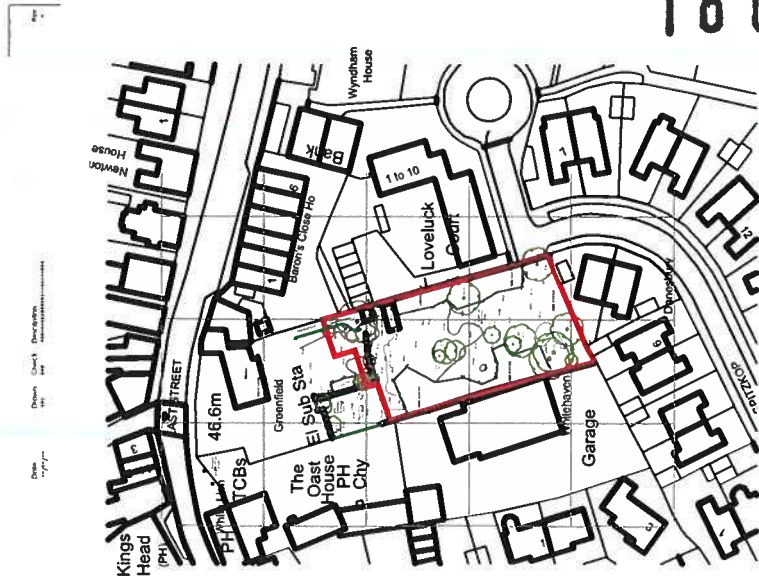
unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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.

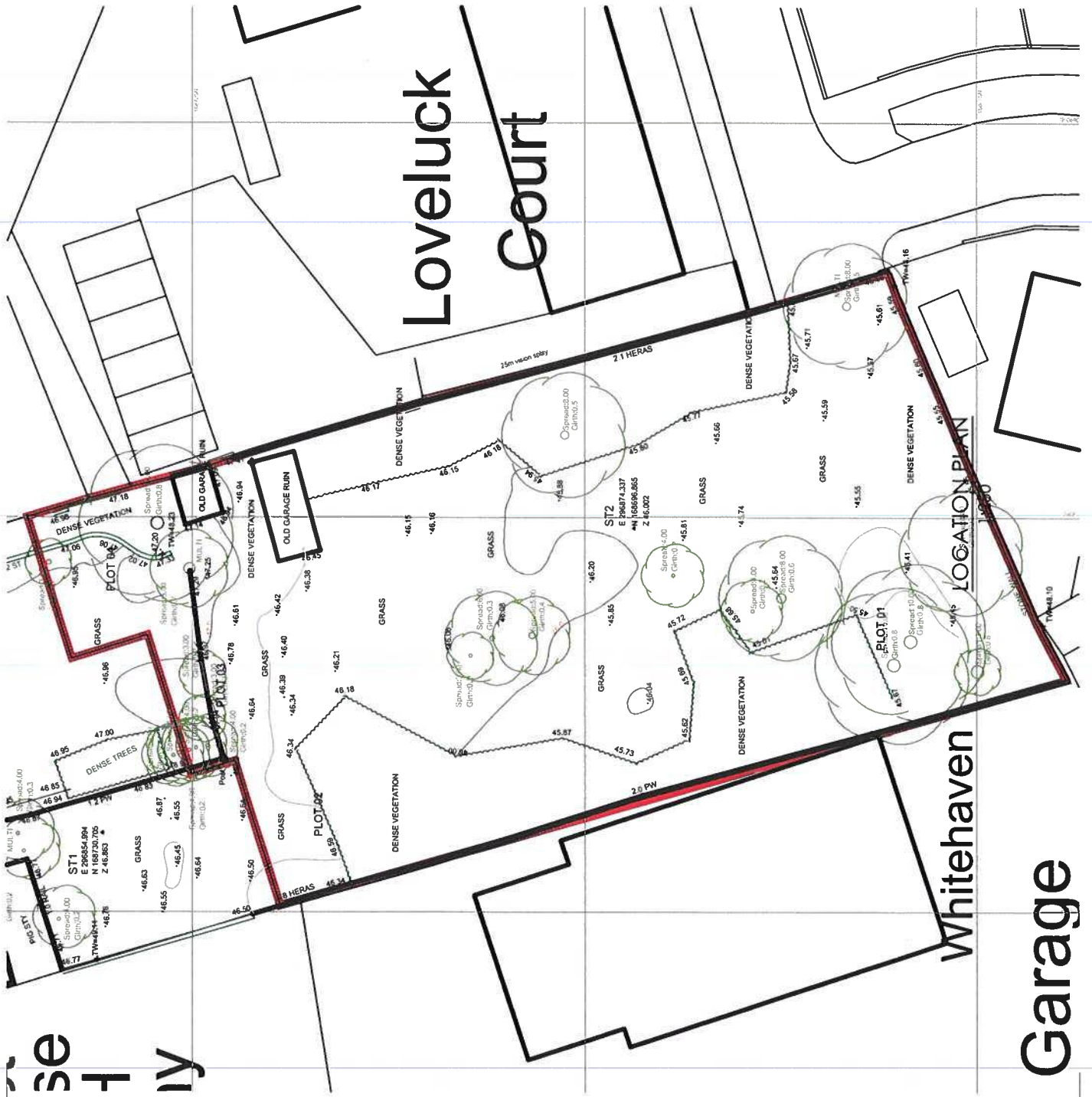
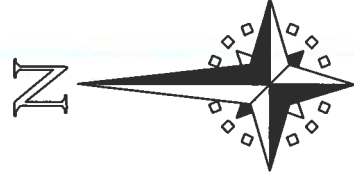
Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

1801373 FUL



LOCATION PLAN
1:1250

Proposed Development	18 077	Scale	1:250/1250 @ A3
Land to Rear of Greenfield		Drawn	***
East Street, Lambeth Major	AL(90)01 A	Date	24/09/18
Location Plan		Drawn	***
G2 Architects Town-planners Environmental & Urban design 104-10, Downham Street, Lambeth, London SE11 2JF Phone: 020 7401 1000 Email: info@g2architects.com			



2019/00734/FUL Received on 5 July 2019

APPLICANT: Mr. Stuart & Mrs. Shereen Parr 3, Heol Y Mynydd, Welsh St Donats, Vale of Glamorgan, CF71 7SW

AGENT: Mr. David Pugh ArchitectWise Ltd, 9, Tyla Rhosyr, Cowbridge, Vale of Glamorgan, CF71 7AU

3 Heol Y Mynydd, Welsh St Donats

New 2 storey extension for ground floor kitchen and living/dining rooms, and first floor bedroom, and bathroom, and ensuite bathroom. New stairs to new attic room with dormer and rooflights in existing roof space

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because it has been called in for determination by Cllr Michael Morgan, who wishes the committee to consider whether the proposal amounts to sustainable development, and the planning approach to applications which 'enable young families to remain in [the Vale's] rural villages'.

EXECUTIVE SUMMARY

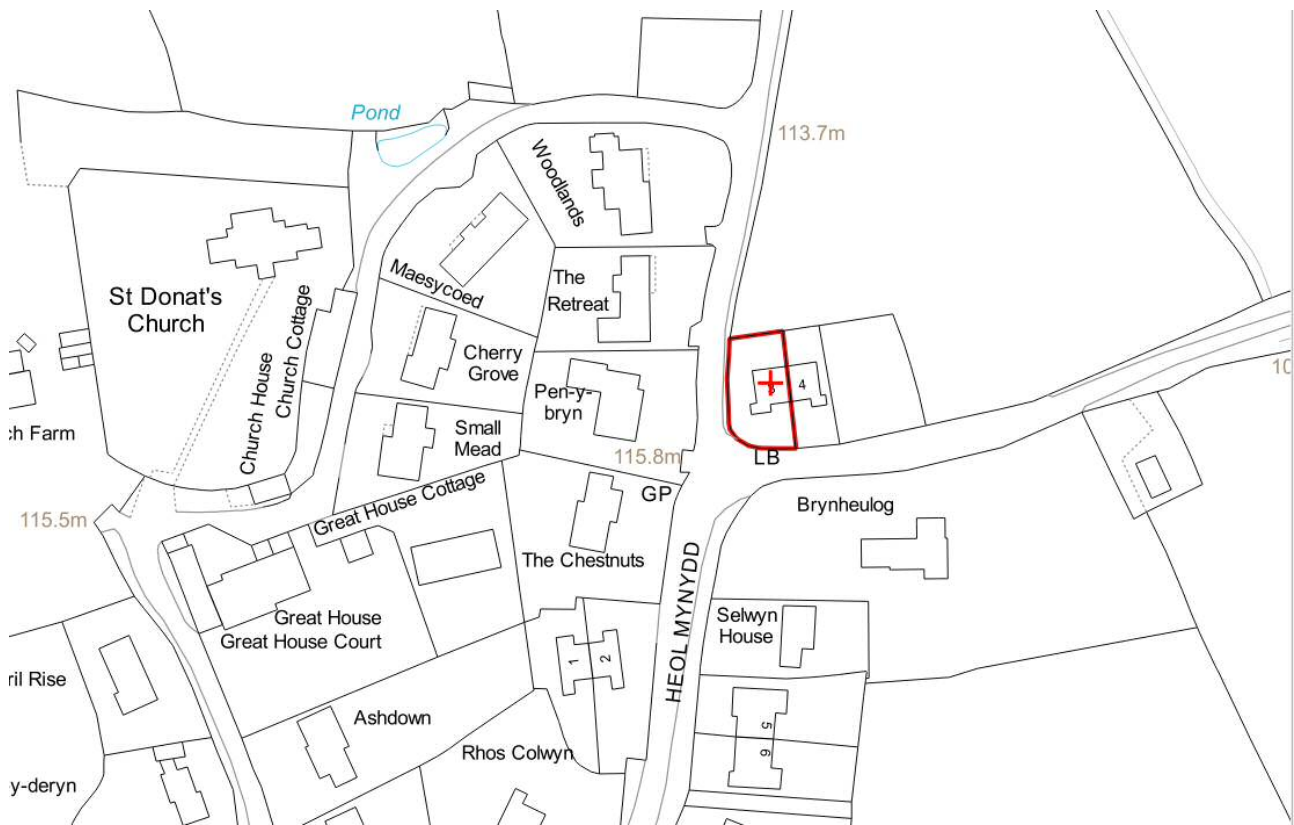
The application site relates to 3 Heol y Mynydd, a two storey semi-detached property located within a prominent corner position on the edge of the village of Welsh St Donats, within the countryside.

The application proposes the erection of a two storey extension to the side and rear of the property. This proposal is identical to the proposal submitted under 2018/01340/FUL which was refused in January 2019.

By reason of its mass, bulk and design, the proposed extension represents an unsympathetic addition which would adversely impact on the character of the existing dwelling. The proposal would therefore be harmful to the pair of semi-detached properties and due to its prominence, result in an incongruous form of development in the wider street scene. The proposal would not overcome the reasons for refusal of the previously refused planning applications.

SITE AND CONTEXT

The application site relates to 3 Heol y Mynydd, a two storey semi-detached property located within a prominent corner position on the edge of the village of Welsh St Donats.



The dwelling is located outside of any Settlement Boundary as defined within the adopted Local Development Plan and is therefore located within the countryside. The application site is located outside of any Conservation Area with land to the north falling within the Ely Valley & Ridge Slopes Special Landscape Area. The site also falls within an identified mineral safeguarding area for limestone as defined by the Local Development Plan.

DESCRIPTION OF DEVELOPMENT

The application proposes the erection of a two storey extension to the side and rear of the property with a footprint of approximately 4.2 metres by 9.2 metres. The proposals would be setback from the frontage of the two storey element of the property by approximately 1.2 metres, with the ridge of the extension setback and set down from that of the principal dwellinghouse. The proposals also indicate the provision of a dormer to the rear elevation and use of the loft space.

This proposal is identical to the proposal submitted under 2018/01340/FUL (discussed in more detail in 'Planning History' below).

Below are extracts from the application documents:





No.4

Proposed attic plan



Proposed elevations

West (side):



North (rear):



South (front, seen from road):



PLANNING HISTORY

2017/01284/FUL: Double-storey extension to side of property, with family room (kitchen/diner/living room) on ground floor, and master bedroom and bathroom on first floor. Extension to be in keeping with existing property and also with the four of the original six houses on the same road, that have had similar work completed - decision: refused for the following reason:

By reason of its mass, bulk and design, the proposed extension represents an unsympathetic addition which would adversely impact on the character the existing dwelling. The proposal would unbalance the pair of semidetached properties and due to its prominence, result in an incongruous form of development in the wider street scene. The proposal is therefore considered contrary to Policies MD2 - Design of New Development and MD12 - Dwellings in the Countryside of the Vale of Glamorgan Local Development Plan 2011-2026.

2018/00617/FUL: Revised plans for a double-storey extension to side of property, comprising of family room (kitchen/dining/living area) on ground floor, and master bedroom and bathroom on first floor – decision: refused for the following reason:

By reason of its mass, bulk and design, the proposed extension represents an unsympathetic addition which would adversely impact on the character of the existing dwelling. The proposal would unbalance the pair of semidetached properties and due to its prominence, result in an incongruous form of development in the wider street scene. The proposal is therefore considered contrary to Policies MD2 - Design of New Development and MD12 - Dwellings in the Countryside of the Vale of Glamorgan Local Development Plan 2011-2026.

2018/01340/FUL: New two storey extension to include kitchen and dining area on ground floor and bedroom and bathroom on first floor. New attic store room to include new dormer and roof lights – decision: refused for the following reason:

By reason of its mass, bulk and design, the proposed extension represents an unsympathetic addition which would adversely impact on the character of the existing dwelling. The proposal would therefore be harmful to the pair of semi-detached properties and due to its prominence, result in an incongruous form of development in the wider street scene. The proposal is therefore considered contrary to Policies MD2 - Design of New Development and MD12 - Dwellings in the Countryside of the Vale of Glamorgan Local Development Plan 2011-2026.

CONSULTATIONS

Welsh St. Donats Community Council was consulted and did not object to the proposal.

Peterston-super-Ely ward members were consulted, and Cllr M. Morgan requested that the planning committee determine the application.

Environmental health officers (Shared Regulatory Services) recommend that planning permission, if granted, carry an informative note in respect of contamination and unstable land.

REPRESENTATIONS

The neighbouring properties were consulted on 12 July 2019, and a site notice was displayed on 19 July 2019. At the time of writing, the LPA had not received any letters of representation.

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG17 – Special Landscape Areas

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD12 - Dwellings in the Countryside

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (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
- Development in the Countryside (including new housing)

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 12 – Design (2016)

Supplementary Planning Guidance:

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

- Parking Standards (2019)
- Residential and Householder Development (2018)

Other relevant evidence or policy guidance:

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

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

Noting the above, it is considered that the primary issues to consider are the potential visual impact of the proposals; the impact upon the amenity of neighbouring residential properties and any potential highways implications.

Consideration should also be given as to whether the scheme overcomes the reason for refusal of applications ref. 2017/01284/FUL and 2018/00617/FUL. As stated above, this application proposes the same form of development as planning application ref. 2018/01340/FUL, which was refused in January 2019.

These applications were refused by reason of the mass, bulk and design of the proposals which were considered to result in an unsympathetic addition which would adversely impact on the character the existing dwelling. The proposals were also considered to unbalance the pair of semi-detached properties and due to their prominence, result in an incongruous form of development in the wider street scene.

Visual impact

Policy MD2 Design of New Developments of the Vale of Glamorgan Local Development Plan 2011-2026 states that in order to create high quality, healthy, sustainable and locally distinct places development proposals should:

1. Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;

2. Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.

In addition, Policy MD12 Dwellings in the Countryside of the Vale of Glamorgan Local Development Plan 2011-2026 states that extensions to dwellings in the countryside will be permitted if the dwelling as extended:

1. Is not disproportionate in size to the original dwelling;
2. Would not unacceptably affect the character of the existing dwelling and its contribution to rural character; AND
3. Would have no materially greater impact on the landscape.

The application relates to one of an attractive pair of semi-detached dwellings that retain their original character and are a fine example of rural district Council housing in a loose Arts and Crafts style. The dwelling sits in a prominent corner position to the northern end of the village, and given the position of roads adjacent to the dwelling, there are clear views of the front, side and rear of the dwelling from the public highway.

The proposals seek to add a two storey extension to the side of the property with a width of approximately 4.2 metres, set back from the principal two storey frontage of the property by approximately 1.2 metres. From the front, the proposals would have a ridge height approximately 0.3 metres lower than the host dwelling although would have an eaves height 0.7 metres higher than that of the main dwelling. The two storey mass would project approximately 3.2 metres to the rear of the dwelling with an eaves height to the rear to match the principal dwelling. It is acknowledged that the applicant has sought to amend the proposals to allow them to appear more subservient to the host dwellinghouse through the provision of a setback and set down from the frontage, whilst also reducing its width when compared to application ref. 2018/00617/FUL. However the proposal remains unchanged from planning application ref. 2018/01340/FUL

The proposals would significantly increase the visual massing of the host dwelling and of the pair of semis. The applicant has sought to introduce a setback and set down from the principal dwelling, although this has resulted in a proposal with an eaves height higher than the host dwelling and a pattern of fenestration that appears somewhat contrived when viewed from the front. The proposals do not successfully replicate or complement the style and design of the existing dwellings and appear at odds with the attractive character of the host pair. As such it is considered that the proposals would appear as an incongruous addition to the host pair of semi-detached dwellings that are not sympathetic in their design to this attractive pair of arts and craft style dwellings and would unacceptably unbalance the host pair, degrading their pleasing character to a harmful degree.

It is acknowledged that other, similar dwellings within the village have been extended in the past in a similar manner, although these properties are situated within significantly less prominent positions within the village and their immediate context is also different.

Notably, the application property and the adjoining dwelling are located at the edge of the village, and are somewhat viewed in isolation. The existing properties are pleasing in their appearance and highly prominent, whereas the other extended dwellings sit within established street scenes in a row of dwellings, of varying scales and form.

Noting the above, it remains the LPA's view that the proposals would unacceptably impact upon the character of the application property and the host pair and would not overcome

the reasons for refusal of the previously refused planning application ref. 2018/00617/FUL, and remains the same as planning application ref. 2018/01340/FUL

In view of the above, the proposals as submitted are considered to be contrary to Policy MD12 (particularly criterion 2) and by implication contrary to Policy MD2.

Impact upon amenity of neighbouring residential properties

Unlike the previous proposals (except for application ref. 2018/01340/FUL), the application now proposes additional mass to the rear of the property. These works will introduce two storey mass within approximately 6 metres of the boundary with the other dwelling within the host pair. Noting this set off from the boundary, it is considered that the proposals would not be unduly overbearing when viewed from the neighbouring dwelling, nor would it result in an undue loss of light. The proposed two storey mass would be set a significant distance from properties to the west, south and north and therefore would not result in unacceptable impact upon these properties. Overall therefore it is considered that the proposals would not result in unacceptable detriment to the amenity enjoyed by neighbouring residential properties.

Amenity Space Provision

The proposal would significantly increase the floor area of the dwelling and reduce the garden space serving the property. The Council's Residential and Householder Development SPG requires amenity space equating to 20 square metres per person for dwellings. The proposals would result in the loss of amenity space to the rear, with the retention of an area of approximately 60 square metres, although a degree of amenity space would still be retained to the side, whilst the property also benefits from a relatively large enclosed front garden. On balance, therefore it is considered that sufficient garden space would remain to serve the dwelling, although careful consideration would need to be given to the nature and form of enclosure, given the open plan character of the site. This could be controlled by condition if the application was considered acceptable in all other regards.

Mineral Safeguarding

It is also noted that the site is covered by limestone (Category 1 & 2). Strategic Policy SP9 (Minerals) and MG22 (Development in Minerals Safeguarding Areas) seek to safeguard known mineral resources. Policy MG22 states that, in such areas with known resources, new development will only be permitted in an area of known mineral resource where it has first been demonstrated that:

1. Any reserves of minerals can be economically extracted prior to the commencement of the development;
2. Or extraction would have an unacceptable impact on environmental or amenity considerations; or
3. The development would have no significant impact on the possible working of the resource by reason of its nature or size; or
4. The resource in question is of poor quality / quantity.

In this case, having regard to criterion 2, given the location of the application site and its proximity to the existing dwelling and other dwellings, it is considered that any extraction of the mineral resource would likely have an unacceptable impact on amenity of nearby

occupiers. Therefore as extraction would likely have an unacceptable impact on amenity, the proposal is in line with Policy MG22 in that it would satisfy criterion 2.

Overall, so far as mineral safeguarding is concerned, the proposal is considered acceptable.

RECOMMENDATION

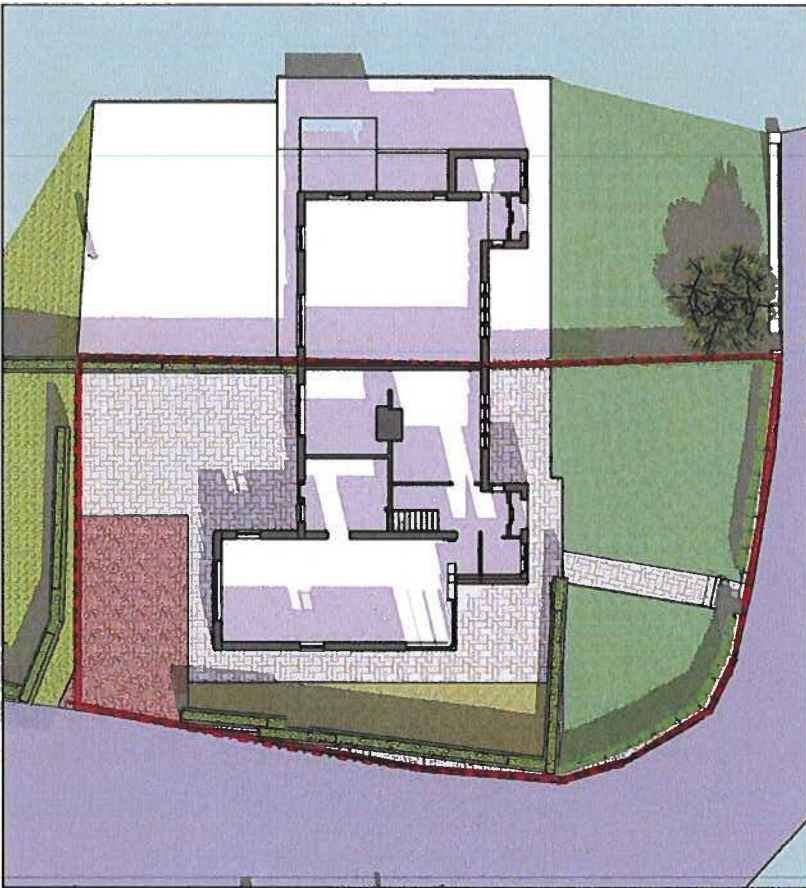
REFUSE

1. By reason of its mass, bulk and design, the proposed extension represents an unsympathetic addition which would adversely impact on the character of the existing dwelling. The proposal would therefore be harmful to the pair of semi-detached properties and due to its prominence, result in an incongruous form of development in the wider street scene. The proposal is therefore considered contrary to Policies MD2 - Design of New Development and MD12 - Dwellings in the Countryside of the Vale of Glamorgan Local Development Plan 2011-2026 and national guidance contained within Planning Policy Wales (Edition 10) and Technical Advice Note 12 - Design.

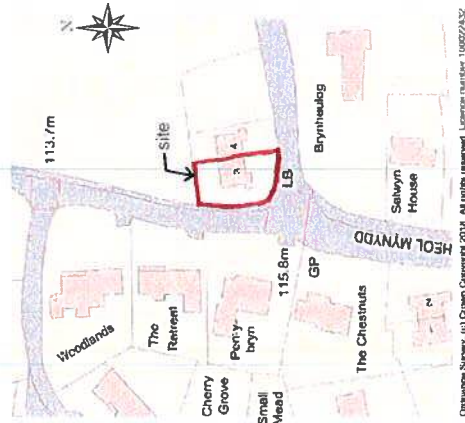
REASON FOR RECOMMENDATION

The decision to refuse 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.

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.



Proposed New Blockplan (1:200)



Site Location Plan 1:1250



Aerial Plan with Proposed new Extension

Date: November 2018 Stage: Planning Rev	Drawing Title: Site Plans Scale: AS INDICATED	Amendments:	Project Name: Bedroom, Kitchen and Living Room Extension to no. 3 Heol Mynydd, Welsh St Donats CF71 7SW Client Name: Mr and Mrs Parr	 Architectwise Architecture and Building Consultancy Telephone: 01446 771101. Email: dugh@architectwise.co.uk Office: 9 Tyla Rhosyr, Cowbridge, Vale of Glamorgan, CF71 7AU
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2019/00738/FUL Received on 8 July 2019

APPLICANT: Mr. Daniel Brookman Pythagoras , 75, Cog Road, Sully, Vale of Glamorgan, CF64 5TE

AGENT: Mr. Daniel Brookman Pythagoras , 75, Cog Road, Sully, Vale of Glamorgan, CF64 5TE

Pythagoras, 75, Cog Road, Sully

- 1) Double storey rear extension with balcony
- 2) Extension & conversion of external garage into annex

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because it has been called in for determination by Councillor Penrose, citing neighbour concerns in respect of overdevelopment and impact on neighbouring privacy.

EXECUTIVE SUMMARY

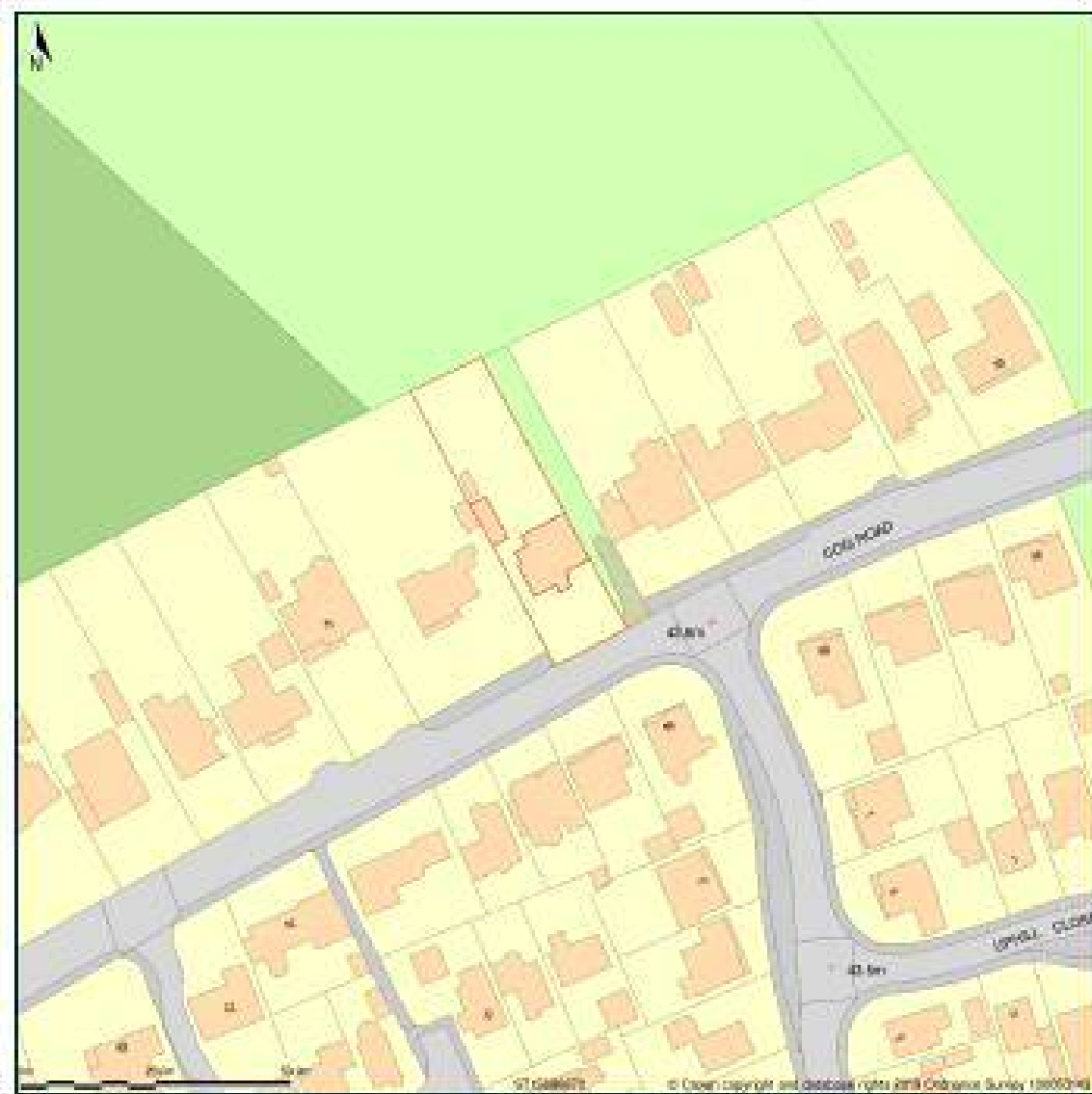
The application site relates to a detached four bedroom dwelling located on Cog Road, Sully. The application is for the construction of a two storey rear extension with first floor balcony and the extension and conversion of an existing garage to a granny annex.

At the time of writing this report, 1 letter of objection has been received from the adjoining occupiers who object to the balcony and the impact of it on their amenity area.

The primary issues in consideration of this application are the visual impact of the extensions on the existing dwelling and wider street scene and in particular, the impact upon amenity of neighbouring residential properties. The application is recommended for approval, subject to conditions.

SITE AND CONTEXT

The application site relates to a detached four bedroom dwelling located on Cog Road within the settlement of Sully. The dwelling is served by a single storey detached garage, off road parking to the front and a large rear garden.



The site is separated from the neighbours to the north east at No 77 by an access path leading to agricultural land to the rear of the site. The streetscene comprises a mixture of detached dwellings with varying designs and scale.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for the construction of a two storey rear extension with first floor balcony and the extension/conversion of an existing garage to a granny annex.

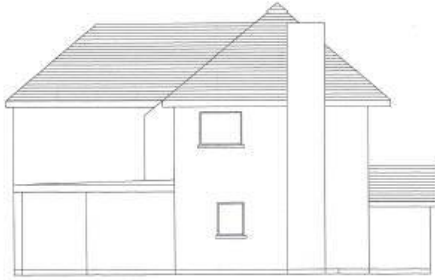
The two storey rear extension would measure approximately 3.9 metres in depth by 4.9 metres in width. The extension would have maximum height of 7.6 metres and eaves height of approximately 5.2 metres with the eaves and ridge heights matching those of the existing dwelling. The roof would be finished with a gable end design to the rear.



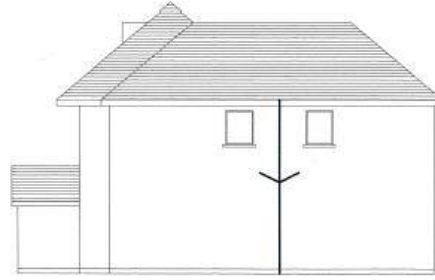
Existing front elevation



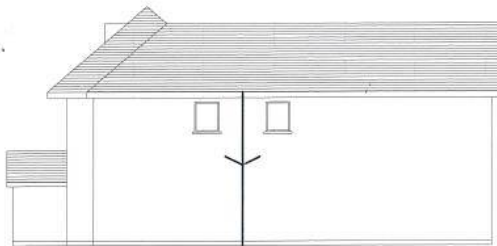
Existing rear elevation



existing side elevation



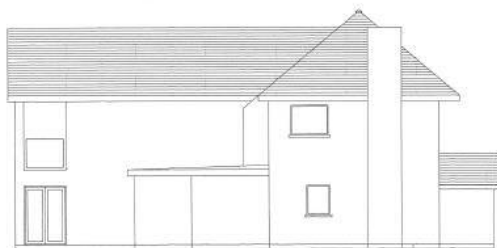
existing side elevation
(from lane)



Proposed side elevation
(from lane)



Proposed front elevation
(unaltered)

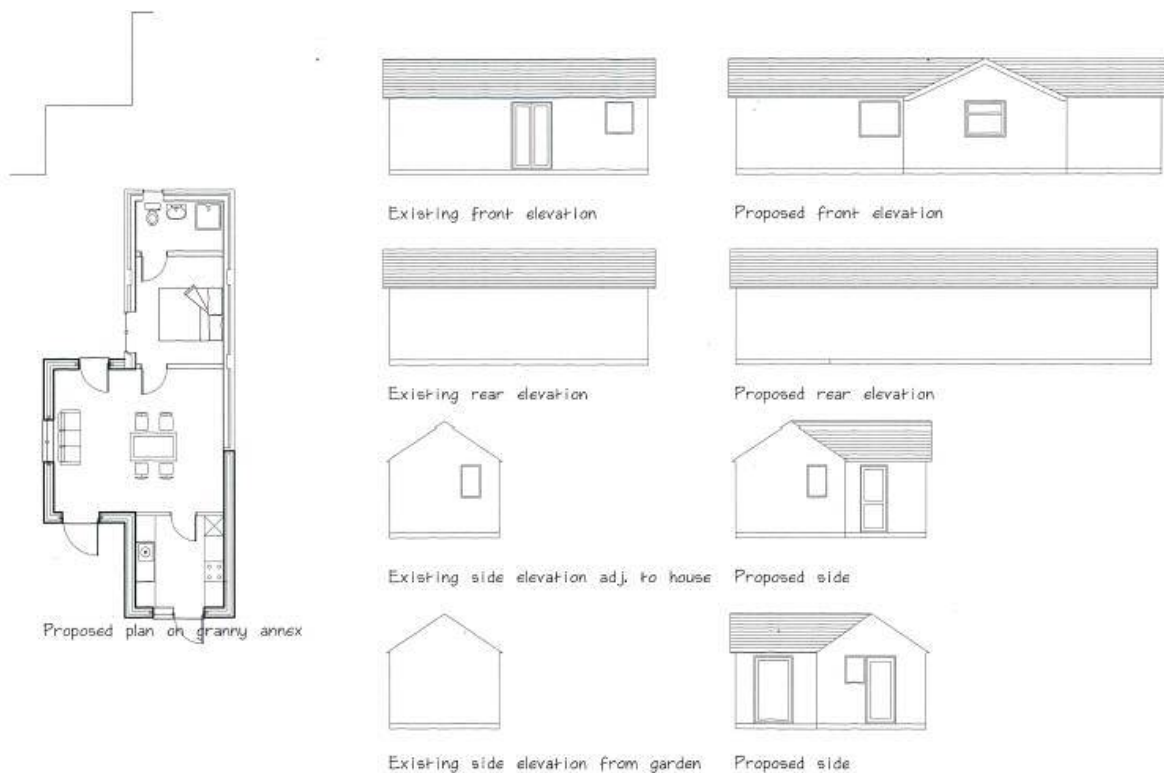


Proposed side elevation



Proposed rear elevation

The garage would be extended towards the rear by approximately 4.8 metres and partly towards the side of the dwelling by approximately 2.3 metres.



The proposed rear extension and garage extensions would be with painted render walls and grey fibre slate tiles to match the existing dwelling.

PLANNING HISTORY

No History

CONSULTATIONS

Sully Community Council were consulted on 16 July 2019. A response received on 02 Aug 2019 states THAT: *The application is considered to be intrusive in terms of surrounding properties and to adversely affect the amenity of surrounding householders. Accordingly it is considered that the application should be refused.*

Sully Ward Members were consulted on 16 July 2019. A response received from Cllr Penrose on 31 July 2019 requests that the application be brought before planning committee as neighbours oppose the application on grounds of overdevelopment and overlooking from the proposed balcony.

REPRESENTATIONS

The neighbouring properties were consulted on 16 July 2019 and a site notice was also displayed on 07 Aug 2019. To date 1 letter of representation has been received from the neighbouring property, objecting to the first floor balcony and its impact on their privacy.

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

Managing Development Policies:

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (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.

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)

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:

- Parking Standards (2019)
- Residential and Householder Development (2018)

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The main issues in assessing this application relate to the scale and design of the extensions and their impact on the character of the existing dwelling and the wider street scene, the impacts on the amenities of adjacent and nearby residential occupiers and impact on amenity space provision at the site.

Design and visual impact

The site lies within the settlement boundary for Sully as defined in the LDP. Policy MD5 relates to Development within Settlement Boundaries and permits development subject to certain criteria, including, criterion 3 – 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.

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

- Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest.
- Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.
- Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

The rear two storey extension would have limited prominence from the immediate streetscene, with the only views being at an acute angle through a gap between the application site and access track. The extension would be finished in matching materials with an eaves and ridge height to match that of the existing dwelling. While the proposal would result in a relatively long rear wing, the extension would nevertheless be of an acceptable scale and design that (as a consequence of the relatively limited views) would not harmfully impact upon the appearance of the dwelling or the wider street scene.

The garage extension would be single storey in scale and would be screened from the street by existing boundary enclosures and the existing garage. The proposed alterations and extensions would be also be finished in matching materials and orientated towards the rear and side only. The proposal is considered appropriate in terms of scale and design and would have a negligible wider visual impact.

The proposal also includes the conversion of the existing/extended garage into a granny annex, however, this would not result in any significant visual impact.

Overall, the proposed works are considered acceptable in terms of their scale, design and finish and they would not have any adverse impact on the visual amenity of the wider area or result in a visual overdevelopment of the site.

Impact upon amenities

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

With regards to the two storey rear extension, this would be located approximately 0.3 metres from the boundary with the adjoining access track and approximately 5.3 metres from the boundary with No 77 Cog Road. The neighbours at No 77 Cog Road have recently been granted planning permission under planning reference 2018/00915/FUL for a two storey side extension (partly constructed) which would extend approximately 1 metre beyond the rear wall of this proposed extension. Consequently, the development would not have a significant impact on the openness or outlook from the rear garden of this neighbour.

The neighbours at No 77 would have windows in the side elevation facing the proposed extension, however, the extension would be located a sufficient distance from the windows/neighbour to not be considered overbearing or unneighbourly on these windows.

The proposed extension does not include any ground or first floor side facing windows and as such the privacy of the rooms with side facing windows at No 77 is not considered to be harmed. The proposal does include a first floor recessed balcony located to the rear, and this would be orientated towards the rear garden of the application dwelling with a screen wall at the side closest to number 77.

Whilst the balcony would afford some angled views towards principally the rear parts of the neighbouring garden at No 77, the extension would be located over 5 metres from the boundary and would be separated from the garden by an access track. Given the relationship of proposed balcony to these neighbours and the fact that there would be no directly side facing views, the proposal is not considered to result in unacceptable level of overlooking that would warrant refusal of planning permission.

The rear extension would be located approximately 9.4 metres from the boundary with No 73 Cog Road. The boundary with this neighbour is screened with trees which obscures views of the proposed extension and sufficiently limits any views from the side screen in the balcony. The distance in any case is considered to be sufficient, even if the landscaping were reduced in time.

There are no residential neighbours to the rear, and the proposal therefore raises no concerns relating to privacy or amenity to the rear.

The garage conversion/extensions would be located close to the boundary with No 73. The boundary with this neighbour is formed by timber fencing and mature landscaping.

Given this and the single storey scale, this aspect of the proposal is not considered to harm the privacy or amenity of this neighbouring property.

In respect of No 77, the proposed garage extension/conversion would be located over 14 metres from these neighbours and screened by a timber close boarded fence. As such this aspect of the proposal does not raise any concerns in relation to this neighbour.

The principle of an annex

The proposed granny annex would be self-contained and detached but would be located within the rear garden and would have a close functional/physical relationship with the main dwelling. It is therefore considered that it amounts to an acceptable form of annex, as opposed to a separate dwelling. Given the scale of the garage and the fact that the conversion relates to a granny annex, the proposal is not considered to harm the amenities of neighbours given that there would be a level of interdependency. It is considered prudent to attach a condition ensuring that the annex remains ancillary to the main dwelling for the avoidance of doubt.

Amenity Space

The application dwelling benefits from a large rear garden which would mainly be retained, and meets the Council's Residential and Householder Development guidance. The proposal is therefore not considered to result in an overdevelopment of the site.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

Drwg No: 003 Received on 08 July 2019.

Drwg No: 004 Received on 08 July 2019.

Drwg No: 005 Received on 08 July 2019.

Drwg No: 006 Received on 08 July 2019.

Email from Daniel Brookman Received on 19 Aug 2019.

Reason:

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

3. The granny annex hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 75 Cog Road, and it shall not be occupied as a separate dwelling.

Reason:

To avoid the creation of a separate unit of residential accommodation, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD1 Location of New Development and MD2 Design of New Developments of the Local Development Plan.

4. The screen wall which lies at the eastern side of the proposed balcony shall be constructed in full prior to the first beneficial use of the balcony and it shall be retained at all times thereafter.

Reason:

In the interests of residential amenity and to ensure compliance with Policy MD2 of the LDP.

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.

Having regard to Policies SP1 –Delivering the Strategy, MD 2 – Design of New Development and MD5 – Development and the advice contained within the Council's Supplementary Planning Guidance on Residential and Householder Development and Parking Standards and Planning Policy Wales 10th Edition and TAN 12- Design, the proposed extensions and garage conversion are considered acceptable in terms of their scale, design and impact upon the street scene, impact on neighbours, and their impact on the dwellings amenity space.

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.

NOTE:

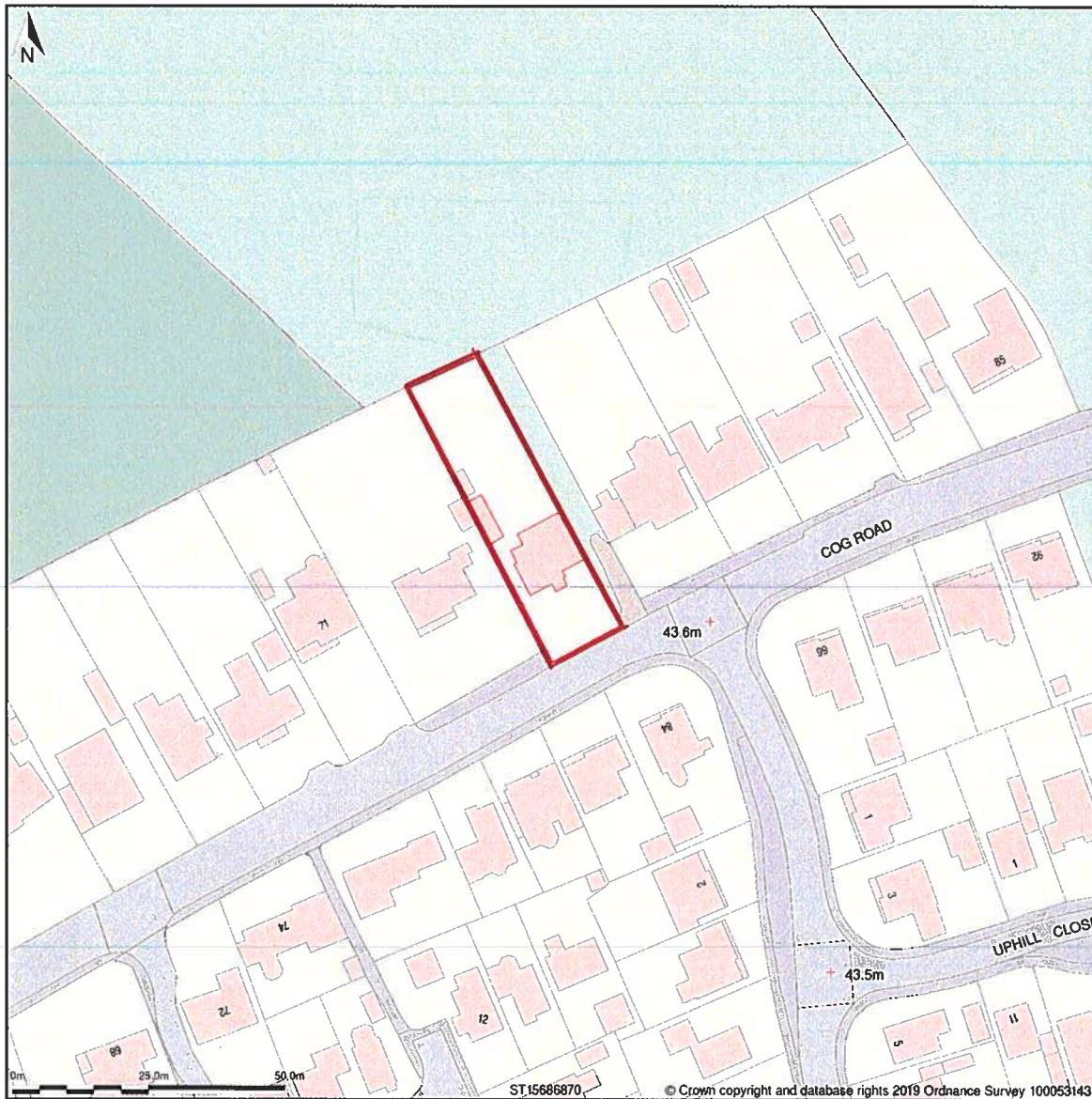
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

75, Cog Road, Sully, Vale Of Glamorgan, CF64 5TE



Site Plan shows area bounded by: 315585.16, 168601.95, 315785.16, 168801.95 (at a scale of 1:1250), OSGridRef: ST.15686870. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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