

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **22 JANUARY, 2020**

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:

2019/0010/PV	A	Ashgrove Cottage, Ashgrove, Llantwit Major	New roof structure incorporating solid panels on existing conservatory
2019/0027/PO	AC	Blue Stag Development, Cardiff Bay Train Station, Hemingway Road, Cardiff Bay	Take away partitions and doors to make larger open plan offices to the two end of the building on the second floor
2019/0028/PO	AC	Norton House, Leckwith Road, Canton, Cardiff	Proposed two storey rear extension with alterations to fenestration design to side elevations
2019/0029/PO	AC	87, Celyn Avenue, Cardiff	Proposed side extensions, elevational changes and internal reconfigurations with associated external works, including Juliet balconies to first floor rear elevations
2019/0286/BR	AC	Goods Shed Building, (AKA Gwalia Buildings) Hood Road, Barry	Conversion of existing building to 3 commercial units to GF, and 11 no. residential units to first and second floor. Container village to the Eastern side of the existing building and a drive thru container coffee shop to the Western side. Plus 3 no. railway carriages for commercial use.

2019/0895/BR	AC	Ty Dafydd, Westgate, Cowbridge	Single storey rear extension
2019/0929/BR	AC	The Master Mariner, 1, Skomer Road, Barry	Internal enlargement of ground floor trade kitchen forming basement office, refurbishment of customer WC's and window replacement
2019/0969/BR	AC	Marco's Cafe, Barry Island	Extension to side of cafe (8m x 2.4m)
2019/0974/BR	AC	10-11, Broad Street, Barry	Provide outdoor smoking area on first floor
2019/0991/BR	AC	New Broad Street Motors, Ty Verlon Industrial Estate, Barry	Division of existing unit with alterations to window and door openings
2019/0995/BR	AC	68, Winston Road, Barry	Double storey side and single storey rear extensions
2019/1013/BN	A	10, Mill Close, Dinas Powys	Structural alterations, new floor, strengthening existing roof internal refurbishment to existing building
2019/1014/BN	A	25, Archer Road, Penarth	Conservatory extension, structural works, refurbishment to loft and existing rooms
2019/1016/BR	AC	Off Edge, Station Approach, Penarth	The project involves changing the use of part ground and basement floor from ancillary storage, associated with the former British Legion (sui generis), to offices (Class B1(a)), and associated external alterations. This will include constructing a permanent wall to the existing ground floor unit, and providing a new corridor and means of escape. We will form a new stairwell into the basement, where we plan to reduce the level, tank and install a sump pump.

			Fit out is to be included for both the ground floor office unit, and the newly formed basement office.
2019/1017/BN	A	20, Pardoe Crescent, Barry	Internal alterations to include changes to existing layout, creation of additional bedroom(s) and bathroom facilities, with creation/adjustment of structural window and door openings
2019/1018/BR	AC	4, Evelyn Street, Barry	Ground floor extension to accommodate a shower room. Door widening to front access and internal l/f doorways
2019/1021/BN	A	11, Plas Glen Rosa, Penarth Marina, Penarth	Removal of non load bearing ground floor partition walls and replace existing staircase with open tread staircase
2019/1022/BN	A	12, Castle Drive, Dinas Powys	Replace flat roofs on both garages with pitched tiled roofs
2019/1023/BN	A	14, Castle Drive, Dinas Powys	Replace flat roofs on both garages with pitched tiled roofs
2019/1024/BN	A	Ton Y Pwll, Prisk Lane, Maendy, Cowbridge	Single storey extension and internal alterations
2019/1025/BN	A	77, St. Davids Crescent, Penarth	Single storey extension to create open plan living area, utility room and shower room, opening up kitchen into extension
2019/1026/BN	A	69, Castle Drive, Dinas Powys	Pitched roof over existing side extension
2019/1027/BN	A	The Beacons, St. Brides Road, Wick	Replace roof with warm Supalite roof
2019/1028/BN	A	109, Redlands Road, Penarth	Loft conversion with dormer and two storey rear extension

2019/1029/BN	A	4, Earl Crescent, Barry	Supply and fit fire door and frame
2019/1030/BN	A	2, Button Ride, St. Nicholas	Attic conversion into dormer on the back
2019/1032/BN	A	41, Coleridge Avenue, Penarth	Single storey extension to rear to provide a larger kitchen / dining area
2019/1033/BN	A	15, Victoria Road, Penarth	House refurbishment and single storey extension
2019/1035/BN	A	3, High Street, Penarth	Fitting new kitchen to existing area removing chimney breast, new downstairs toilet to replace current one and replacing current bathroom suite
2019/1037/BN	A	71, Maes Y Cwm Street, Barry	Removal of a load bearing wall to make two rooms into one
2019/1038/BN	A	51, Pantycelin Road, Llandough	Conversion of the existing garage into a habitable space.
2019/1039/BR	AC	3, Arlington Road, Sully, Penarth	Rear dormer extension and front roof lights.
2019/1042/BR	AC	14, Clinton Road, Penarth	Replacement of dwelling
2019/1044/BR	AC	46, Kingsland Crescent, Barry	Single storey extension for GF bedroom for disabled applicant and forming a new doorway in existing walls
2019/1048/BN	A	22, Glebeland Place, St. Athan	Interior chimney breast removed
2019/1049/BN	A	61, Laburnum Way, Penarth	Removal of internal wall and installation of steel beams to support existing and installation of patio doors
2019/1050/BN	A	21, Collard Crescent, Barry	Knock through 2 internal walls. Back door removed from utility and new back door in dining room. Non supporting internal walls

2019/1051/BN	A	27, Redlands Road, Penarth	Single storey rear extension to form utility room
2019/1053/BN	A	28, Plas Saint Pol De Leon, Penarth Marina	Replacement of timber balustrading on balcony with glass
2019/1058/BN	A	Osmond Drake Opticians, 107, Glebe Street, Penarth	Internal alterations - reinforcing existing lintels with steel
2019/1060/BN	A	9, Dunraven Close, Clare Garden Village, Cowbridge	Conversion of integral garage into living room and utility room
2019/1061/BN	A	9, Melyn Y Gors, Barry	Integral garage conversion to habitable room
2019/1062/BN	A	31, Fitzhamon Avenue, Llantwit Major	Removal of chimney stacks from two downstairs rooms and two bedrooms supporting stack with gallow brackets in loft
2019/1063/BN	A	42, Lower Pyke Street, Barry	Reduce current 1st floor bathroom to create a 3rd bedroom

(b) Building Regulation Applications - Reject

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

2019/1040/BN	R	33, Castle Avenue, Penarth	Two storey rear extension, single storey side extension and new entrance porch, with associated internal structural alterations
2019/1046/BN	R	64, Grove Terrace, Penarth	Loft conversion with dormer, and internal alterations with small rear extension
2019/1054/BN	R	58, John Batchelor Way, Penarth	New stud walls to reinstate bedroom and en suite
2019/1059/BN	R	29, Castle Avenue, Penarth	Single storey extension to add open plan living to rear of property

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

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

2019/0177/AI	A	13, Main Avenue, Peterston Super Ely	Construction of a detached dwelling and associated works
2019/0178/AI	A	Tan Y Lon Cottage, Maendy, Cowbridge	Total refurbishment of property internally and externally including addition of dormers to rear of roof (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0179/AI	A	Murch Farm Manse, Wesley Court, Dinas Powys	Two storey side extension and alterations
2019/0180/AI	A	Tesco Store, Culverhouse Cross, Cardiff	The creation of a new inner room between the sales floor and back of house and associated works
2019/0181/AI	A	19, Waun Ganol, Penarth	Loft conversion with rear dormer and associated works
2019/0182/AI	A	Priory Dene, Fonmon, Rhoose	Replacement of existing conservatory roof with a Guardian Warm Roof (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0183/AI	A	7, Glastonbury Road, Sully, Penarth	Extension and alterations to existing garage, incorporating extended and re-arranged internal utility room
2019/0184/AI	A	The Railway Hotel, 1, Plymouth Road, Penarth	Internal refurbishment
2019/0185/AI	A	Vale of Glamorgan Delivery Office, Vale Business Park, Cowbridge	Female WC compliance works
2019/0186/AI	A	6 Robinswood Crescent, Penarth	Two storey side extension, front porch and installation

			of structural steels to form open kitchen, living dining room(works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0187/AI	A	19, Hensol Villas, Miskin, Pontyclun	Single storey front, side and rear extensions and two storey rear extension (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0188/AI	A	21, Porthkerry Road, Barry	Conversion to 8 affordable residential apartments, rear extension, parking and alteration (works to include material alterations to structure, controlled services, fittings and thermal elements)

(d) Section 32 Building Act, 1984

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

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

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 22 JANUARY, 2020

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

2014/00460/1/N MA	A	Land adjacent St. Josephs School, Sully Road, Penarth	Non Material Amendment - Revised wording of conditions 3, 4, 5, 7, 8, 12, 15, 16, 23, 25 & 26. Change of use of agricultural land to residential development (C3) consisting of the demolition of two disused agricultural buildings and the development of residential dwellings, public open space, landscaping, highway improvements and associated engineering works
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2014/00460/11/N MA	A	David Wilson Homes, Manor Park, Sully Road, Penarth	Non-Material Amendment application to vary the wording of conditions 20, 21 and 22 of Planning Permission ref. 2014/00460/FUL [Change of use of agricultural land to residential development (C3) consisting of the demolition of two disused agricultural buildings and the development of residential dwellings, public open space, landscaping, highway improvements and associated engineering works] in order to change the timescales trigger for approval of details in relation to the Local Equipped Area of Play (LEAP), Local Area of Play (LAP) both referred to as Public Open Space (POS) and Public art.
2014/00460/2/C D	A	Land adjacent St. Josephs School, Sully Road, Penarth	Discharge of Conditions-3, 4, 5, 7, 8, 9, 12, 13, 15, 16, 23, 24, 25, 26 and 27. Change of use of agricultural land to residential development (C3) consisting of the demolition of two disused agricultural buildings and the development of residential dwellings, public open space, landscaping, highway improvements and associated engineering works
2014/00460/4/C D	A	Manor Park Residential Development, Sully Road, Penarth	Discharge conditions 20, 21 and 22 relating to planning permission 2014/00460/FUL: Land adjacent to St. Joseph Primary School.

2015/00662/5/N MA	A	Land to the east of Mink Hollow, St. Nicholas	Non-material amendment to planning permission 2015/00662/FUL (proposed residential development for 17 dwellings and associated highway and ancillary works): Variation of condition 24 to retain acoustic glazing installed in plots 1,2, 16, and 17
2015/01093/1/C D	A	Land at North East of St. Hilary	Discharge of conditions 11 (Boundary), 12 (Access Improvements), 13 (Contamination Risk Assessment), 14 (Contamination Works Completion Report and Long Term Monitoring and Maintenance Plan), 15 (Long Term Contamination Monitoring and Maintenance Plan), 17 (Drainage Details) and 18 (Earth Works) of planning permission 2015/01093/OUT (Construction of a rural enterprise dwelling along with associated equestrian buildings and landscaping utilising the existing vehicle access to the site)
2016/01363/1/N MA	R	Brooklands, Brook Lane, St. Nicholas	Non-material Amendment: Proposed amendments to development approved under planning permission 2016/01363/FUL (Renewal of planning permission 2011/00898/FUL (variation of condition 1) for a new detached dwelling to extend the time period for the commencement of development by 5 years)
2017/01337/2/N MA	A	St. Pauls Church, Arcot Street, Penarth	Non-material Amendment: Revision of rear roof pitch

			coverings from Euroclad metal sheeting to single ply standing seam roof covering. Planning Application 2017/01337/FUL- Redevelopment of the former St. Pauls Church site (including demolition of existing building with retention of front church elevation) to create 14 one and two-bedroom affordable housing units; multi-purpose community hall (368 sq.m.); landscaping; car/cycle parking; access; and associated works
2018/00072/2/C D	A	The Tower, Tower Hill, Penarth	Discharge of Condition 3 schedule of materials (alternative timber cladding from that approved) Planning permission 2018/00072/FUL:-External and internal alterations
2018/00515/1/C D	A	Landfill at Dow Silicones UK Ltd, Cardiff Road, Barry	Discharge of Condition 5-CTMP. Planning Ref 2018/00515/FUL- Variation of Condition 2 (plans), Condition 3 (landfill levels) and Condition 4 (watercourses) of Planning Permission 1986/00412/FUL to facilitate restoration capping works to former landfill area and associated surface water drainage works at Landfill at Dow Silicones UK Ltd, Cardiff Road, Barry
2018/00592/2/C D	A	South Haven Phase 2, Barry Waterfront, Barry	Discharge of Conditions 10 (Landscape and Landscape Management Plan) and 11 (Shop Front Detail Design). Planning

			Permission ref. 2018/00592/RES: Approval is sought for the access, appearance, landscaping, layout and scale for a residential development and associated infrastructure
2018/00598/FUL	A	British Telecom Telephone Exchange, Dock View Road, Barry	Cooling and ventilation upgrade to the first floor of the telephone exchange as part of a national roll out. Installation of Adiabatic cooling system, which requires 1 no. new external louvre within an existing first floor window opening on the East elevation
2018/01139/1/C D	A	The Woodlands Lodge, Hayes Road, Sully	Discharge of Condition 3 (Materials) of Listed Building Consent ref.2018/01139/LBC: The conversion of a former mortuary to a dwelling house - seeking retrospective approval of details reserved by Conditions 3 & 5 listed building consent ref: 2017/00679/LBC
2018/01422/1/N MA	A	Valegate Retail Park, Culverhouse Cross	Non Material Amendment- Entrance feature signage zones amended in size, a nominal increase in width of 300mm to each side of the entrance door. Additionally, Unit 7 sign on North elevation to remain as existing triangular gable feature and new cladding over existing signage panels outside Unit 1B.
2019/00002/FUL	R	1, Cog Road, Sully	Demolition of existing dormer bungalow [No.1 Cog Road], and development of 5 No.

			detached dwellings on land to the rear of Cog Road
2019/00230/1/N MA	A	212, Holton Road, Barry	Non Material Amendment to Condition 3 - stainless steel guardrails with obscure double layered bamboo screen to both sides of roof terrace 1.8m high (b) for Planning Permission 2019/00230/FUL
2019/00304/1/C D	A	Tudor Lodge, Cowbridge Road, Ystradowen	Discharge Condition 5-Cemp-Planning Permission 2019/00304/FUL:- Demolition of substandard four bed detached dwelling with replacement upgraded four bedroomed detached dwelling
2019/00532/1/C D	A	Hensol Castle, Hensol Castle Park, Hensol	Discharge of conditions 4 (extraction details) and 5 (liquid waste) of planning permission 2019/00532/FUL (Change of use of part of the approved bar/restaurant building for the hotel, for use as a gin distillery)
2019/00706/FUL	A	4, Old Port Road, Wenvoe	Erection of outbuilding for a sauna, gym and storage
2019/00722/FUL	R	30, Atlantic Place, Barry	Proposed 2 bedroom end of terrace dwelling to side of 30, Atlantic Place
2019/00806/OUT	R	Land adjacent to former Carpenters Arms near to Eagle Road, Boverton	New domestic two bedroom bungalow
2019/00906/FUL	A	6, Robinswood Crescent, Penarth	Demolition of existing garage, conservatory to rear and canopy to the front of the property and construction of new brick and block/render 2 storey flat roof extension to the

			side and rear and a new brick / block render single storey flat roof extension to the rear, entrance porch and new canopy to the front. Existing roof tiles to be replaced with slate tiles and render finish to be painted dark grey. Existing driveway to be widened.
2019/00941/FUL	A	Spar Stores, 17, Boverton Road, Llantwit Major	The retrospective application for the installation of an ATM installed through a secure panel to the right hand side of the shop front
2019/00942/ADV	A	Spar Stores, 17, Boverton Road, Llantwit Major	The retrospective application for internally illuminated signage surrounding an ATM to the right hand side of the shop front
2019/00978/LAW	A	10, Elmgrove Road, Dinas Powys	To remove the badly leaking slate and glass roof and replace it with a flat roof with an integral glass lantern all materials are to be appropriate to the existing building the new footprint will be slightly smaller than the existing one
2019/01024/FUL	A	7, Broad Street, Barry	Change of use of first and second floor from maisonette to 4 no. flats
2019/01037/FUL	A	50, Wenvoe Terrace, Barry	Raised decking at rear of property level with the ground level of the house. Steps down to the garden level to replace the old metal fire exit area and stairs

2019/01047/FUL	A	Plot 99, Heritage Gate, Llantwit Major	Proposed alteration of approved dwelling to include rear conservatory extension
2019/01056/FUL	A	Plot 19, Heritage Gate, Llantwit Major	Proposed alteration of approved dwelling to include rear conservatory extension
2019/01059/FUL	A	55, Bron Awelon, Barry	Proposed 2 storey extension to side with single storey porch to front
2019/01068/FUL	A	Glenrise, 145, Lavernock Road, Penarth	Demolition of existing rear garage structure. Proposed loft conversion comprising hip-to-gable extension, rear dormer structure and insertion of roof lights. Proposed front porch and rear single storey extensions(s); all with associated external works
2019/01088/FUL	A	Profile, 98, Holton Road, Barry	Variation of planning permission 2017/01246/FUL for a shop front refurbishment with conversion of the first and second floors to create three number self contained flats, in order to include a box dormer to the rear annex
2019/01089/FUL	A	7, Main Avenue, Peterston Super Ely	New dual pitched roof to existing front bedroom to replace existing failing flat roofed dormer. Demolition of existing dilapidated flat roofed single storey utility and store room and replacement with a single storey monopitched extension

2019/01093/FUL	A	Bron Haulog, Port Road West, Penmark	Farmhouse - Amend Agricultural Occupancy Condition to TAN 6 wording
2019/01097/FUL	A	5, Newbarn Holdings, St. Athan Road, Flemingston	Extension to side and rear, the extension will be double storey to the side and single storey to the rear.-
2019/01106/FUL	A	65, Nant Talwg Way, Barry	Single and double storey rear extension plus all associated works
2019/01111/FUL	A	Rockleigh, Southra, Dinas Powys	Renew balcony, refurbish existing basement as a utility room with new door opening into the garden. New side steps from balcony to the garden to replace existing.
2019/01114/FUL	A	Glandwr, Beach Road, Sully	Orangery style rear extension, renewal of approval 2013/00930/FUL
2019/01118/FUL	A	5, Darren Close, Cowbridge	First floor dormer extension over garage and a single storey ground floor extension to rear and metal chimney to side elevation for wood burner
2019/01123/FUL	A	Home Farm, Swanbridge Road, Sully	Proposed new access off existing track and off road car parking for Home Farm and the homestead dwellings contained within the curtilage of Home Farm House
2019/01132/FUL	A	April Winds, 8, Chapel Close, Aberthin	Remove existing overgrown hedge by end block garage and parking area associated with 8 Chapel Close and build 1 metre high timber feather edge fence

2019/01137/FUL	A	247, Holton Road, Barry	The retrospective application for the installation of an ATM installed through a secure panel to the left hand side of the shop entrance
2019/01138/ADV	A	247, Holton Road, Barry	The retrospective application for the installation of an illuminated ATM installed through a secure panel to the left hand side of the shop entrance
2019/01141/FUL	A	33, Holton Road, Barry	Subdivision and Change of Use to Class A2 (Financial and Professional Services) at Ground Floor and Three Class C3 (dwelling houses) Self-Contained Apartments at Ground, First and Second Floors (one at each floor) and Associated Alterations'
2019/01142/FUL	A	Travis Perkins Limited, Unit 21, Llandow Trading Estate, Bona Road, Llandow	Construction of a new storage building, erection of 3m high compound fencing, reconfiguration of materials storage areas and associated works
2019/01145/FUL	A	10, Victoria Road, Penarth	To reinstate the original height of longstanding boundary fence, permission for fence along front boundary to highway to a maximum height of 1.8m.
2019/01150/FUL	A	Flat 31D, Holton Road, Barry	Proposed first floor extension over terrace to form dining room
2019/01151/LBC	A	Tinkins Hall, Cowbridge Road, St Nicholas	Listed Building Consent for the inclusion of secondary windows behind (internally) the existing windows

2019/01152/FUL	A	29B High Street, Cowbridge	Change use from B1 class to Sui Generis. The unit 29B situated behind 29A is proposed to be used as a private appointment only tattoo clinic and Art gallery. There will be no access to these premises for the general public as all appointments are booked in advance for one client per day.
2019/01155/LAW	A	51, Pantycelyn Road, Llandough	Proposed conversion of the existing garage into a habitable space
2019/01156/FUL	A	46, Slade Close, Sully	The addition of an extension to the left elevation on the property. The extension to be two storey at the rear and a single storey at the front
2019/01160/RG3	A	Llanfair Primary School, St. Mary Church	Removal of one demountable classroom, to be replaced by a new unit in an alternative location. Installation of an additional demountable unit for childcare provision. Works to include erection of a canopy shelter, ramped access and all associated site preparation and external works
2019/01161/FUL	R	Bay View, 59, Main Road, Ogmore By Sea	Remodelling of existing property to include addition of first floor with front balcony, ground floor extension and external alterations, widening of existing access
2019/01166/RG3	A	Gladstone Primary School, Gladstone Road, Barry	Installation of a demountable unit to accommodate a childcare provision. Works to include construction of a

			decked area, canopy shelter and associated site preparation and external works
2019/01168/LAW	R	33, Pinewood Square, Eglwys Brewis	Construct a 4m x 4m conservatory
2019/01173/FUL	R	Navron, Boverton Road, Boverton, Llantwit Major	The reconstruction of the stone boundary wall with a traditional stone wall within the curtilage of the dwelling to create a layby for accessible car parking
2019/01174/LBC	R	Navron, Boverton Road, Boverton, Llantwit Major	The reconstruction of the stone boundary wall with a traditional stone wall within the curtilage of the dwelling to create a layby for accessible car parking
2019/01178/FUL	A	Windsor Lawn Tennis Club, Larkwood Avenue, Penarth	Erect a floodlit padel court to allow public and club members to play padel tennis. Currently club land left as open grass space
2019/01183/LAW	A	3, Arlington Road, Sully	Proposed rear dormer and roof lights to front elevation
2019/01184/FUL	A	4, Sullivan Close, Penarth	Two storey rear extension
2019/01190/FUL	A	19, Waun Ganol, Penarth	Loft conversion with rear dormer
2019/01192/FUL	A	1, Earl Road, Penarth	Single storey extension to the rear of the house
2019/01201/FUL	R	7, Sycamore Close, Llandough	Part three storey part two storey rear extension with raising of ridge height & alteration works
2019/01202/FUL	A	61, Redlands Road, Penarth	Proposed demolition of two storey extension, erection of single storey extension with loft conversion and dormer to rear

2019/01203/FUL	A	Court House Farm, Wick Road, Ewenny	Erect agricultural building for storage of winter fodder, machinery and agricultural equipment
2019/01204/PND	F	Darren Farm, Westgate, Cowbridge	Demolition of all agricultural buildings within the site
2019/01206/FUL	A	29, Eastgate, Cowbridge	Replacement of existing single storey rear extension and terraced area with new single storey rear extension and terraced area
2019/01207/FUL	A	14, Ash Lane, Eglwys-Brewis	Proposed single storey rear extension and two storey side extension with new driveway entrance
2019/01213/LAW	A	48, Illtyd Avenue, Llantwit Major	Convert the existing garage to provide an extension to the kitchen and a toilet/shower room.
2019/01215/FUL	A	36, Laburnum Way, Penarth	Single and Double storey rear / single storey side extensions plus all associated works
2019/01217/FUL	A	Former Waitrose, Palmerston Road, Barry	The installation of roller shutter to enlarged opening in rear elevation
2019/01222/ADV	E	Valegate Retail Park, Culverhouse Cross	3 no. Totem signs, 2 no. 8000mm height, 2100 width and 410mm depth. 1 no. 3000mm height, 1950mm width and 410mm depth
2019/01224/FUL	A	4, Nordale Road, Llantwit Major	Partial demolition of rear conservatory structure, to reutilise foundations to provide sun lounge and balcony to first floor level
2019/01229/FUL	A	6, Waun Ganol, Penarth	Loft conversion

2019/01231/FUL	A	Bancroft, 4, Lower Cwrt-Y-Vil Road, Penarth	Single storey rear extension, re-roofing with PV array, window replacement and installation of air source heat pump.
2019/01240/LAW	A	4, Min Y Mor, Barry	New roof over existing conservatory and garage conversion into granny annex
2019/01243/FUL	A	Plot 98, Heritage Gate, Plasnewydd Walk, Llantwit Major	Proposed rear conservatory extension
2019/01250/PND	A	Mod Site, Cowbridge Road, St. Athan	Phase A1, Demolition of buildings at Bro Tathan Business Park
2019/01251/FUL	A	16, Michaelston Close, Barry	Construction of double storey extension to the car park side (front) of the property
2019/01252/FUL	A	35, Powys Gardens, Dinas Powys	Single storey side extension to form bathroom and utility room
2019/01257/FUL	A	13, Porlock Drive, Sully	Single storey rear extension. Conversion of existing garage into habitable space
2019/01266/OBS	P	St. Marys Church, Cowbridge	Proposed overhead line works
2019/01327/PNA	A	Duffryn Mawr Farm, Pont Sarn Lane, Clawdd Coch	Extension to existing farm building for the provision of hay storage
2019/01358/OBS	B	Barry Grounds LU115 and LU110, Port of Barry	Barry maintenance dredge disposal - Renewal

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 22 January 2020

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

None

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

LPA Reference No:	2019/00601/FUL
Appeal Method:	Written Representations
Appeal Reference No:	19/3237278
Appellant:	Mr Huw Pickford
Location:	181, Stanwell Road, Penarth
Proposal:	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.
Decision:	Appeal Dismissed
Date:	10 December 2019
Inspector:	Richard Jenkins
Council Determination:	Delegated

Summary

The main issue was considered to be the effect of the proposed development on pedestrian and highway safety along Stanwell Road.

The property incorporates an enclosed front court yard, is fronted by double yellow lines and is located within close proximity to the signalised junction with Lavernock Road and Redlands Road. The appeal proposal proposed was to extend the dropped kerb from the neighbouring property at No.179 Stanwell Road and remove the existing brick wall and cast iron fence that front the property to make provision for an off-street parking area.

The Inspector confirmed however that by reason of the close proximity to the busy signalised junction between Stanwell Road, Lavernock Road and Redlands Road, the proposed development would increase the frequency of

unsafe vehicular movements in the area and thereby represent a material threat to both pedestrian and highway safety. There was no evidence to indicate that the proposed parking area would enable cars to conveniently turn on-site and therefore, the development would result in an increased risk of vehicles reversing from or onto Stanwell Road.

Whilst noting the appellant's contention that the driver utilising the parking space would be able to observe the traffic lights before entering or leaving the appeal site, this argument did not weigh heavily in favour of the development and the Inspector considered that the proposed off-street parking space would be smaller than that typically required and it was likely that a large car would overhang the public highway, to the detriment of pedestrian convenience and safety.

The Inspector considered the appellant's references to other examples of off-street parking in Penarth, however considered that the Council had demonstrated through its submissions that a number of the developments referred to were materially different circumstances and acknowledged that each case should be treated on its merits.

In concluding that the appeal should be dismissed, the Inspector acknowledged that the development would reduce pressure for on-street parking within the area and provide convenient on-site parking for the appellant's family, however he did not consider that such benefits outweighed his overall finding, that the development would materially undermine pedestrian and highway safety along Stanwell Road and would be contrary to criterion 6 of Policy MD2 of the LDP.

LPA Reference No:	2019/00734/FUL
Appeal Method:	Written Representations
Appeal Reference No:	D/19/3240537
Appellant:	Mr Stuart & Mrs Shereen Parr
Location:	3, Heol Y Mynydd, Welsh St Donats
Proposal:	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
Decision:	Appeal Dismissed
Date:	7 January 2020
Inspector:	C MacFarlane
Council Determination:	Committee

Summary

The main issue was considered to be the effect of the proposed development on the character and appearance of the host dwelling and surrounding area.

The appeal site is a semi-detached two-storey dwelling situated on a corner plot at the edge of the settlement and the surrounding area is predominately residential, with hedgerows, trees and open fields surrounding the site giving the immediate area an attractive rural character.

The Inspector considered that the proposed development would significantly increase the size of the host dwelling through the addition of a two-storey extension to the side and rear. She acknowledged that Policy MD12 of the LDP permits extensions to dwellings in the countryside subject to certain criteria including, where it would not be disproportionate in size and would not unacceptably affect the character of the existing dwelling.

Although the proposal had been designed to incorporate guidance from the Council's SPG, the Inspector considered that due to its height, width and depth, the proposal would appear as a substantial and bulky addition to the existing property and lead to the proposal appearing prominent and dominating the host dwelling. Although the proposed extension would be set back from the front elevation, she considered that its scale and massing was such that it would appear incongruous and result in a significant visual imbalance in the pair of semi-detached dwellings. Whilst not subject to any particular heritage designation, she considered that the pair of dwellings have a pleasing appearance and distinctive character and retain much of their original form and symmetry, however the proposal would diminish unacceptably the character and integrity of both the host dwelling and pair of dwellings.

In reaching her conclusion, the Inspector considered other developments in the surrounding area referred to by the appellant, but these were not directly comparable with the appeal proposal. She also considered that the corner plot and edge of settlement location and separation by highways to the south and west, gave the appeal site a particular prominence. Whilst it was intended to make use of sympathetic materials and additional landscaping, these measures would not, in her view, overcome the fundamental harm to the host dwelling and surrounding area arising from the scale and bulk of the proposed development.

In concluding that the appeal should be dismissed, the Inspector acknowledged that the development would provide greater flexibility and improved living accommodation for the appellants and had received support from the local community, however did not consider that these considerations would outweigh the harm she had identified to the character and appearance of the host dwelling and surrounding area, which would conflict with Policies MD2 and MD12 of the LDP.

(d) Enforcement Appeal Decisions

LPA. Reference No:	ENF/2018/0303/PC(A)
Appeal Method:	Written Representations
Appeal Reference No:	C/19/3233997
Appellant:	Mr Andrew Peters

Location: Tinkins Hall, St. Nicholas
Proposal: Without planning permission, the material change of use of the Property from a community/church hall to a dwellinghouse
Decision: Appeal Dismissed
Date: 20 December 2019
Inspector: Janine Townsley
Council Determination: Committee

Summary

The appeal was dismissed and planning permission was refused, however the Inspector allowed the ground (g) appeal and directed that the enforcement notice was varied by changing the compliance period from six months to twelve months.

The main issues were considered to be whether the development would conflict with development plan policy designed to prevent the unacceptable loss of community buildings and the effect of the development on highway and pedestrian safety, with particular reference to parking.

The Ground (a) Appeal (That planning permission should be granted)

Loss of Community Building

The Inspector acknowledged that Policy MD5 of the LDP states that new development within the settlement should not result in the unacceptable loss of community buildings. In 2013, the Council had undertaken an assessment of existing community facilities which found an excess of community building provision within the Wenvoe ward (including St Nicholas) and therefore concluded that no additional provision was required during the plan period. Although the appellant had suggested the assessment had identified that the appeal building was not required as a community facility, the Inspector considered that the purpose of the assessment was to consider whether new or enhanced facilities were required, not to determine surplus and could not therefore be relied on to indicate provision within the settlement of St. Nicholas. Therefore, the Inspector found that the findings of the 2013 assessment did not meet the requirements of policy MD5, which requires evidence that a community facility is no longer required for its original purpose and also does not establish that nearby alternative provision could meet local need.

The Inspector considered alternative facilities including the Core Education Centre at Dyffryn Gardens referred to be the appellant, which is located some 1.8km from the edge of St Nicholas, two church facilities within St Nicholas and the Reading Rooms in Bonvilston approximately 2.2 km away, however concluded that none of these facilities were comparable to the appeal building in terms of capacity or convenience to the residents of St. Nicholas.

It was also acknowledged that the Council had carried out a further assessment of community facilities 2019, which acknowledged different methodologies to establish the need for facilities. Whilst the appellant had

identified that an alternative methodology had been used in the 2019 assessment, which identified a shortfall of community facilities within St Nicholas, the Inspector considered that this did not mean that development proposals could not meet the requirements of policy MD5.

In respect of marketing evidence provided in relation to meeting the policy requirements, the building was sold to the appellant as it was no longer required by the church. Whilst the appellant had stated that he purchased the building at a discount as it was a community facility and there had been no other interest in the building, no evidence had been submitted regarding the nature of the marketing undertaken, including whether specialist agents were used, the length of the marketing campaign, the valuation or marketing process or the level of interest in the building, to enable the Inspector to reach a conclusion that there was no demand for a community facility

Furthermore, since the instigation of enforcement action, the appellant had attempted to market the building as a community facility and produced a leaflet which offered the property for sale at a price of £300,000. The Inspector acknowledged however the evidence provided by the Council, that no information had been provided of the level of interest from this exercise and that the purchase price of the building in 2017 was £110,000 and concluded that this did not amount to an appropriate marketing exercise, or comprise robust evidence, as required by policy.

The Inspector considered that further evidence provided by the appellant suggesting that the appeal building had not been used as a community facility since its purchase and was used infrequently prior to its sale, did not establish that there was no need for the building as a community facility, particularly as it had been in residential use.

In reaching her conclusion on this issue, the Inspector was not therefore satisfied that the development would not result in the loss of an important community facility contrary to criterion 5 of MD5 and would thereby fail to conserve or enhance access to existing community facilities (criterion 7 of MD2) as required by the policy. It was identified however, that the outcome of the appeal would not have an impact on the listed building.

Parking

The Inspector noted that there is no off street parking available for the appeal building and no opportunities exist for the introduction of off street parking. As the existing building can lawfully operate as a community facility and has therefore operated without parking provision in the past, this was identified as the 'fall-back' position, which needed to be taken into account.

The Inspector acknowledged that the car parking requirement was for one space and the EN stated that the reliance on on-street parking was detrimental to highway and pedestrian safety. Whilst the Council's position was that the community use of the building would not require car parking as patrons would be local to the settlement and would walk there, the Inspector considered that it was unrealistic to suggest that all users of the building would previously have walked to the hall and visitors from other settlements

would be more likely to have required travel by car. Taking account the Council's parking standards for community buildings, the Inspector therefore concluded that the lack of car parking available at the appeal building would not, by itself, cause any greater harm to highway and pedestrian safety should the appeal building be used as a dwelling as opposed to a community facility and there was therefore no conflict with policies MD2 and MD5 of the LDP in this respect.

Other Matters

In relation to the issue of the appeal building being noise sensitive development and the potential unacceptable impact on the living conditions of future occupiers due to the proximity of the A48, the Inspector considered that prospective occupiers would be exposed to no greater noise levels than a number of other properties in the area and any requirement for a noise assessment could be controlled by planning condition.

Conclusion on Ground (a)

The overall conclusion reached by the Inspector was that it had not been demonstrated that the property could not be used for community use, or that there were other alternative comparable facilities to serve the community and therefore, the proposed change of use to residential would fail to accord with policy MD5 of the LDP.

The Ground (g) Appeal (That the compliance period is too short)

The appellant had suggested that a period of six months was inadequate as he would need to sell the appeal building and purchase another home. The Inspector considered that the appellant's representations, that to sell the appeal building, in the light of the planning history requiring a community use for the building, may take longer than six months were realistic and as this was the appellant's principal residence, a longer compliance period of 12 months was justified. The ground (g) appeal was therefore allowed and the date by which the residential use of the building is required to cease is 20th December 2020.

(e) April 2019 – March 2020 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	15	2	17	3
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		15 (88%)	2	17	3
Committee Determination		2 (50%)	2	4	-
Other Planning appeals (inc. appeal against a condition)		-	-	-	-
Enforcement Appeals	W	2	1	3	-
	H	-	-	-	-
	PI	1	-	1	-
Enforcement Total		3 (75%)	1	4	-
All Appeals	W	17	3	20	-
	H	-	-	-	-
	PI	1	-	1	-
Combined Total		18 (86%)	3	21	3

Background Papers

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

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **22 JANUARY, 2020**

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

R - Refused

E Split Decision

2019/00664/TPO	A	Robin Hill, Castle Court, Llandough	Work to Trees covered by TPO no. 1 of 1950 - T1 & 2 Conifers - Removal
2019/01188/TCA	A	Crossways, 22A, Victoria Square, Penarth	Work to trees in Penarth Conservation Area: Irish Yew Right Hand side of front gate - Crown Lift. 3 Yew trees and 1 Cypress Right Hand side of property - Cut Back. Dead Plum - Front Garden - Fell
2019/01227/TCA	A	8, Albert Court, Albert Crescent, Penarth	Work to trees in Penarth Conversation Area: Fell Pine and Beech
2019/01228/TPO	A	Port Road Woodland, Opposite Bryn Hafren School, Barry	Works to trees covered by Tree Preservation Order No. 04, 1951 at Port Road Woodland opposite Bryn Hafren School, Barry
2019/01236/TPO	A	23 Maillards Haven, Penarth	TPO No.1 1988-PO Cherry tree - front right of property, reduce height by 1.5m and shape 2 x lime trees front left side of drive, Reduce to within 1m (above or below)

			of previous points to form a flowing branch line and shape
2019/01273/TCA	A	Malefant Grange, Llanmaes	Work to Trees in a Conservation Area: To cut down a Copper Beech tree located in front garden
2019/01299/TCA	A	Lansdowne, St Hilary	Work to Trees in a Conservation Area: T1 crown reduction of magnolia
2019/01324/TCA	A	67, Plymouth Road, Penarth	Works to Trees in a Conservation Area 2 apple trees, 1 fir tree, 1 Rowan tree, 1 ornamental tree, 1 Hawthorn tree all 6 trees are in the back garden

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **22 JANUARY 2020**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. TREES

(b) General

**TO CONFIRM TREE PRESERVATION ORDER NO. 12, 2019 FOR TREES AT
23, CAERLEON ROAD, DINAS POWYS**

REASON FOR COMMITTEE DETERMINATION

This application is reported to Planning committee under the Council's approved scheme of delegation because an objection has been received following the serving of a Tree Preservation Order (TPO). The TPO cannot be confirmed under delegated powers if an objection is received and has to be considered by Planning Committee.

EXECUTIVE SUMMARY

An Oak tree in a garden adjacent to a new development, was assessed for its amenity value and it was determined that the tree justifies protection under a Tree Preservation Order (TPO). The Order was served on 15 November 2019 and interested parties were given 28 days to comment.

One letter of support was received from the occupier of the site, and one letter of objection was received from a neighbouring property. This report sets out why it is considered expedient for the TPO to be confirmed, to ensure ongoing protection for the tree.

SITE AND CONTEXT

The site is a residential property, within the settlement of Dinas Powys. The application relates to a mature Oak tree located in the garden of the property, close to the northern boundary. The garden runs along the side of the property and adjoins a parking area to the south and the rear gardens of new houses to the north, known as Caerwent Gardens.

The site and the approximate tree location (red circle) is shown below.



PLANNING HISTORY

23 Caerleon Road has no planning history.

Planning permission was granted for the development of up to 70 houses on the land to the north of 23 Caerleon Road (site now known as Caerwent Gardens) under permissions 2014/00282/OUT and 2017/00724/RES. The development at Caerwent Gardens is completed along this section of the boundary with Caerleon Road but the development is still underway elsewhere on the site.

REPORT

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 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: Sustainable Management of Natural Resources
- Chapter 6 - Distinctive and Natural Places: Recognising the Special Characteristics of Places (Green Infrastructure)

Technical Advice Notes:

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

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

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:

- Trees, Woodlands, Hedgerows and Development (2018)

Other relevant evidence or policy guidance:

- Town and Country Planning (Trees) Regulations 1999
- BS5837: 2012 Trees in relation to design, demolition and construction – Recommendations
- Tree Evaluation Method for Preservation Orders

- Section 198(1) of the Town and Country Planning Act 1990 empowers a local planning authority, where it appears to them that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

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

Assessing the tree

The tree has been assessed and considered for a TPO following concerns raised by the tenant/occupier of 23 Caerleon Road. The main issue is whether the tree provides sufficient public amenity to warrant the serving of a tree preservation order.

A site visit was carried out on 13/11/2019 and 14/11/2019, and a Tree Evaluation for Tree Preservation Orders ("TEMPO") assessment was undertaken in order to assess the contribution of the tree to amenity. TEMPO is a standardised method to assess if a tree merits a TPO.

The TEMPO assessment takes into account the amenity of the tree, considering its condition, likely retention span and relative public visibility. The assessment also considers any other special factors. Finally the assessment considers the level of threat to the tree and hence the expediency of taking action by imposing a TPO. Using the TEMPO scoring criteria and guidance, the Oak tree (shown on the plan above as T1) resulted in a score of 17, meaning that the tree 'definitely merits TPO'.

The basis of this score is set out below.

Amenity – Score of 11

The tree is in a fair condition and appears healthy, despite the recent removal of a large limb. It has a potential remaining retention span of 40 to 100, based on averages for an Oak of 200 to 300 years.

The Oak is a medium sized tree which is clearly visible to the public. It is the only significant tree remaining on what was a line of trees on the historic field boundary. Many of the boundary trees were lost to create the access to the new development. The tree is highly visible from Caerleon Road, as well as being visible from the access road to Caerwent Gardens and from along Caerwent Close. The tree forms the only significant visual separation between the established housing on this part of Caerleon Road and the new development and serves to soften the impact of the new development.

Other factors – Score of 1

No additional features were noted.

Expediency – Score of 5

23 Caerleon Road is owned by United Welsh Housing Association and occupied by a tenant. The garden of 23 Caerleon Road, where the tree is located, borders the new housing development at Caerwent Gardens. The owner of one of the new houses on Caerwent Close has requested that the site developers (Kier Developments) arrange for the tree at 23 Caerleon Road to be removed. A significant limb of the tree, which partly overhung the garden of the new house, has already been removed by the developers. United Welsh, as the land owners, have agreed that Kier developments can remove the tree. The tree is therefore at immediate threat of being removed.

TEMPO decision guide

The TEMPO assessment led to an overall score of 17 for the oak tree. Any score over 15 leads to the conclusion that a tree definitely merits a TPO. Consequently, the oak tree merits a TPO.

There are other trees in the garden of 23 Caerleon Road, but due to their size, location and condition, the other trees are not considered to merit a TPO.

Serving the TPO and considering comments

As a consequence of the above assessment, a TPO was served on 23 Caerleon Road on 15 November 2019. Letters were sent to the owners and the occupier of the site, as well as all neighbouring properties, inviting comments of support or objection, within 28 days.

One letter of support was received, from the occupier of the site. The owners of the site (a housing association) have verbally stated that they will not oppose the TPO, but have provided no written representation. One letter of objection has been received from a neighbouring property.

Considering the confirmation of the TPO

A neighbour raised a number of objections to the TPO which are considered below.

- *Timing of the serving of the Tree Preservation Order (TPO)*

The objector stated that the TPO should have been served before the new development was granted planning permission, so they would have known the tree was protected before they purchased the neighbouring property.

A TPO was not served on the tree at 23 Caerleon Road prior to the planning consent for the new development at Caerwent Gardens because the tree is outside of the development site and there was, at the time, no reason to believe that the tree was at risk. The serving of a TPO is often a reactive process which results from the Local Planning Authority becoming aware of a risk to a tree which is considered to have amenity value to an area. Following an assessment of the tree, it was considered expedient to serve a TPO.

The relevant legislation does not specify any set timing for the initial serving of a TPO, and the timing in this case is not a sufficient reason to refuse the confirmation of the TPO.

- *Alleged impact on the value of the house*

The objector has stated that they believe that if the TPO on the neighbouring property is confirmed, that it will decrease the potential value of their property.

Any alleged impact of a TPO on the value of a house is not a material consideration under the relevant legislation. In addition, no evidence has been made available to support the claim that the presence of a protected tree on neighbouring land reduces the value of a property.

- *The impact of overhanging branches and the impact on light*

The objector has stated that they are concerned about the impact of overhanging branches, though the exact nature of the concern is not specified. They also state that the tree impacts on light to their garden.

It should be noted that when a tree is protected by a TPO, it does not mean that no work can be undertaken to it. A TPO simply means that any work which is proposed to be undertaken to the tree needs the permission of the Local Planning Authority. An application for work to a TPO tree is free and can be made by anyone.

As and if overhanging branches impact negatively on the objectors property, in a direct and evidenced way, then an application for work to remove branches can be made and would be considered under the set TPO application processes. If the works are justified, permission can be granted.

Complete removal of a protected tree to prevent a garden from being shaded, is unlikely to be considered acceptable, whilst the tree remains healthy. However, ongoing modest works (eg crown lift, crown reduction, removal of certain limbs) to manage the size and spread of a protected tree can be considered acceptable, even where a TPO is confirmed.

Consequently, the possible future desire or need to remove branches or reduce the size of the tree is not considered to be a suitable reason to not confirm the TPO. Following confirmation of the TPO, works can be applied for, and if justified, permission for the works can be granted.

- *Bird feeders and rats*

The objector has stated that numerous bird feeders have been placed in the tree, which attracts excessive numbers of birds. They go on to state that the resultant droppings makes it difficult to dry clothes outside and the excess food attracts rats.

The Local Planning Authority has no power to control if, how or where people choose to feed birds, and this could take place from a bird table of feeder attached to a fence, regardless of the presence of a tree. The presence of birds and their droppings, or excess bird food in a garden would not be considered to be a justification to refuse the confirmation of a TPO.

The objector has been advised to contact SRS if they have ongoing concerns regarding rats, and/or to discuss their concerns directly with their neighbour.

As set out above, it was considered justified to serve a TPO which covers the Oak tree at 23 Caerleon Road, Dinas Powys. Whilst an objection has been raised to the TPO, it is considered that none of the issues raised by the objector provides sufficient justification to refuse the confirmation of the TPO.

REASON FOR RECOMMENDATION

The decision to recommend the confirmation of a Tree Preservation Order has been taken in accordance with Section 198 of the Town and Country Planning Act 1990 (as amended), which empowers the local planning authority to make provision for the preservation of trees or woodlands.

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.

RECOMMENDATION

Confirm Tree Preservation Order reference 2019/00012/TREE for the Oak tree at 23 Caerleon Road, Dinas Powys.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **22 JANUARY 2020**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

9. 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.

2019/00947/FUL Received on 23 October 2019

APPLICANT - Mr. David Lewis 1, Pen-y-Bryn, Trerhyngyll, Cowbridge, Vale of Glamorgan, CF71 7TP

AGENT - Creative Design Solutions 23, Hop Yard Meadow, Cowbridge, Vale of Glamorgan, CF71 7AH

1, Pen Y Bryn, Trerhyngyll, Cowbridge

Two storey extension to side and rear and single storey rear extension

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr Andrew Parker citing the considerable local concerns for the application.

EXECUTIVE SUMMARY

The application site relates to a two-storey, semi-detached property in Trehyngyll, located outside of any defined settlement boundary within the Local Development Plan.

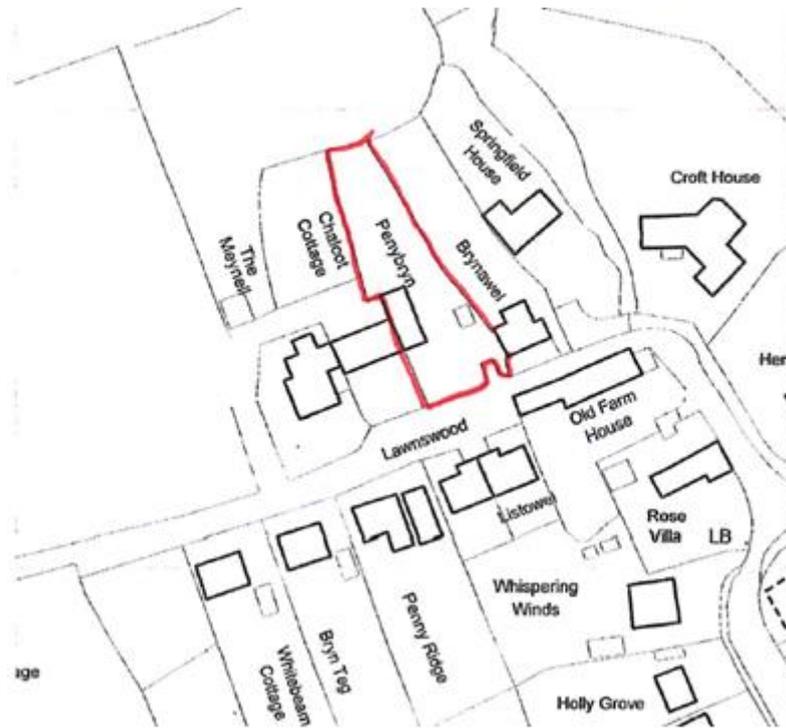
The proposal (as amended) is for a part ground floor and two storey extension to provide 1 bedroom and ensuite, utility, study and enlarged kitchen and dining area.

Concerns have been raised by neighbours regarding the impact on neighbouring properties, flooding and impact upon the street-scene.

The application is recommended for approval.

SITE AND CONTEXT

The application site relates to 1, Pen-Y-Bryn, a two storey semi-detached property, in Trehyngyll which does not have a settlement boundary identified in the Local Development Plan, and is therefore classed as countryside for planning policy purposes. The property is set back from the road at a higher ground level and benefits from off-road parking and a large side / rear garden. The existing house is a traditional cottage style set amongst other residential properties. The street-scene is mixed with dwellings of different scales and designs, some modern, some traditional.



DESCRIPTION OF DEVELOPMENT

The application seeks consent for a two-storey side and rear extension to the existing dwelling, with amended plans including a single storey extension, due to the reduction at first floor level. The extension would be set back from the front of the property by approximately 7.8m. The ground floor extension would measure 5m in width to the side and 13m at the rear, 8.1m in depth and to a height of 2.8m to the eaves and 3.8m at the ridge.

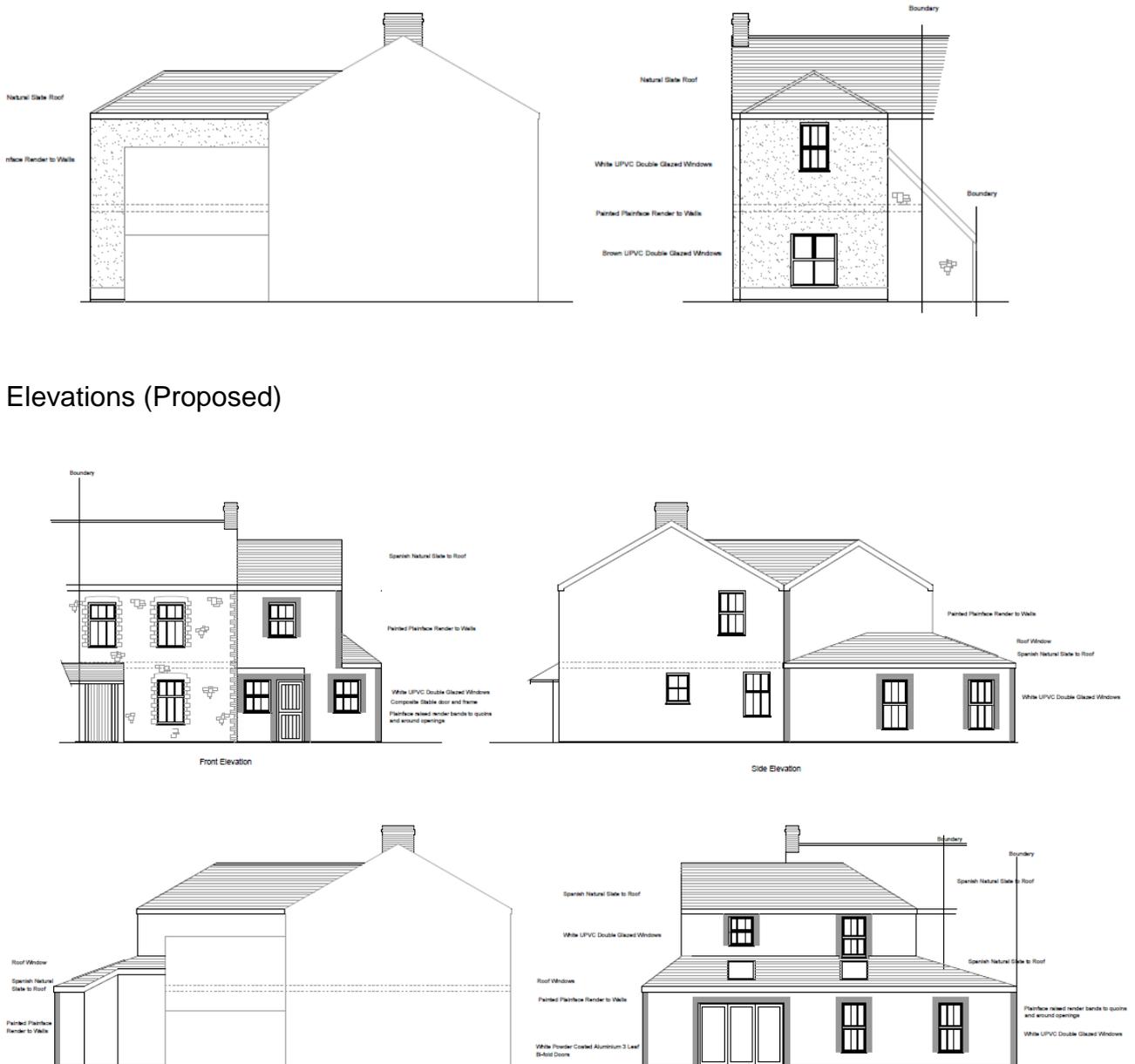
The first floor extension would measure 3.7m in depth at the front and 8.2m at the rear. The width of the extension would match the width of the existing rear extension at approximately 5.2m and would measure to a height of 5.5m to the eaves and 7.1m to the ridge.

All measurements are approximate and plans of the existing property and the proposal are shown below.

Elevations (Existing)



Elevations (Proposed)



PLANNING HISTORY

1981/00765/OUT, Address: 1, Pen y Bryn, Trehyngyll, near Cowbridge - Adjacent to,
 Proposal: Dwelling, Decision: Refused;

1988/01174/FUL, Address: 1, Pen-y-Bryn Cottage, Trerhyngyll, Proposal: Demolish existing single storey kitchen, erect new two storey extension to dwellinghouse, Decision: Approved;

2015/00212/FUL, Address: 1, Pen Y Bryn, Trerhyngyll, Proposal: Proposed replacement of existing flat roof single garage for a pitched roof single garage, Decision: Approved;

CONSULTATIONS

1. Penllyn Community Council were consulted and following a response for an extension of time the Council submitted comments requesting awareness to the comments received from the neighbours.
2. Cowbridge Ward members were consulted and a response was received from Cllr Parker who requested that the application be determined at committee due to the local concern.
3. Comments were received from Shared Regulatory services who requested that an informative be attached to the approval relating to contaminated land.

REPRESENTATIONS

The neighbouring properties were consulted on 5 September 2019 and the 23 October 2019 and a site notice was also displayed on 16 September 2019. Representation was received from 9 neighbouring properties, in respect of the original and amended plans who raised concerns which are summarised below:

- The extension would adversely affect neighbours in terms overshadowing, appearance, loss of light and privacy because of its size, proximity to boundaries and windows.
- The land is at a higher level than neighbours.
- The extension would adversely affect the character and charm of the area because the density of the buildings would be intensified. It is overdevelopment of the site.
- Car parking impact upon Brynawel structure as there are concerns about the parking on the existing driveway and its impact upon Brynawel.
- Overdevelopment to small area that will increase the noise.
- The extension could worsen the flooding in the area and would disturb the water courses.
- Party Wall and structural issues
- Concerns with the application submissions and accuracy of description and plans.
- The lane is narrow and the street is already saturated with parking and congestion will increase.
- The extension would set a precedent for people wanted to build new properties within their garden.

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 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.

Technical Advice Notes:

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

- 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 principle issues to be considered when assessing this application relate to the scale and design of the extension and its impact upon the character of the property and wider street-scene, the impact upon neighbouring properties, amenity space and parking.

Principle of proposal

The development proposes a single storey and two storey extension to the rear and side of the existing dwelling, to provide for an open plan kitchen, diner and utility room, with a study and one bedroom and en-suite at first floor. Such proposals are considered to be acceptable in principle, subject to site specific and design considerations in terms of the impacts of the development that are considered further below.

Although concerns were raised by neighbours that the extension would be a separate dwelling the application specifies and illustrates within the plans that the proposal is an extension and not a separate dwelling which would require a separate planning application. The extension would result in the addition of one bedroom at the property and while comments received state that this application would set a precedent for people to build new properties within their garden, this would not be the case.

Design and visual impact

Policy MD2 Design of New Developments of the Local Development Plan 2011-2026 states that in order to create high quality, healthy, sustainable and locally distinct places development proposals should (inter alia): (1) Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest; and (2) Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.

LDP Policy MD12 Dwellings in the Countryside 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 street-scene is characterised by a mix of dwelling size and design. While comments have been received stating that the area is characterised by predominantly large plots with large spacing, this is not necessarily the case as the street-scene does vary.

The proposed extension would match the existing eaves height and would be set down from the ridge. The extension would be located to the side and rear of the property and would be set back from the front of the property by approximately 7.8m.

Amended plans convey that the first-floor section of the extension has been reduced to 3.7m in width which is considered to be subservient with the host property. The side extension would be visible from the street however would be set back from the road by approximately 20m. Given the set back from the road and from the front elevation of the property the extension is not considered to be over-dominant nor unacceptably impact upon the appearance of the property within the street-scene.

It is also noted that the extension would be partially screened by the existing garage to the south east and would be screened from the west and south west by the host property.

In terms of design, the extension would be completed in render with UPVC windows and a Spanish slate roof. It is noted that the host property is finished in stone and render and therefore the proposed materials are considered sympathetic and in-keeping.

With regard to the rear elevation of the property, amended plans show that the ground floor extension would wrap around the rest and extend in width for approximately 13m and to a depth of 3.6m from the rear elevation. The extension would adjoin the staggered boundary with the neighbours at Chalet Cottage however it is considered to be of a modest scale and height that is not considered to unacceptably impact upon the character and appearance of the property.

The application also includes raising the ridge height of the existing rear gable by 0.4 which would match the ridge height of the proposed extension. The raised height is not considered to impact upon the appearance of the property and would not be visible from the street as it would be set behind the existing ridge of the host property. Amended plans also show the removal of the windows on the side elevation of the extension that were considered excessive.

Overall, the extension is considered to be of a modest scale and appearance that is not considered to unacceptably impact upon the character and appearance of the property. It is noted that concerns were raised by neighbours who stated that the extension would be a separate dwelling however although there will be a door to the front of the extension it would remain proportionate and in-keeping with the host dwelling, in accordance with LDP Policy MD12.

Impact on neighbours

With regard to the adjoining neighbours at Brynawel, it is noted that numerous concerns have been raised in representations.

In terms of impact upon privacy, the amended plans did address initial concerns with regard to the windows proposed at first floor on the side elevation. The windows would have resulted in elevated views towards the rear amenity space of the neighbours who are located at a lower ground level. Amended plans have omitted the windows at first floor level that would have overlooked the rear of Brynawel and while two windows have remained at ground floor, these would not unreasonably affect privacy. The existing window and door at ground floor would be replaced with two windows and would be located closer to the boundary, however given that the extension is set off the boundary along which there is a hedgerow obscuring the views from the windows, these are not considered to result in a loss of privacy for the neighbours.

Amended plans also set the extension in at first floor level in order to reduce the scale of the proposal and its impact upon the neighbours at Brynawel. The extension at first floor would be approximately 5m from the boundary with the neighbours at Brynawel and approximately 3.8m at ground floor. It is noted that due to a difference in ground levels, Brynawel is located approximately 6-8ft below the application site however, given the depth and width of the extension and that it would be set off the boundary it is not considered to result in an overbearing impact upon the neighbour.

Also noting that the property is south facing, the impact upon the amount of sunlight into the rear of Brynawel would be minor as the property is set back from the front elevation and would only be affected during the late afternoon. The overshadowing is not considered to differ significantly from the existing level of overshadowing from the host property. The extension is not considered to result in a loss of light to the main dwelling and would not unacceptably impact upon the rear amenity space, given the distance from the boundary and set back location from Brynawel.

Amended site block plans do illustrate the boundary set further away from the extension, which has raised concerns from the neighbour about the accuracy of the plans. However, the amended plans do correlate more accurately with the Councils mapping system and site visit assessment. It is noted that the Council does not hold exact boundary records and therefore any boundary dispute would be a private matter.

Concerns have been raised with regard to the shallow foundations of the neighbouring property and the consequential impact the extension would have on the property as well as parking on the existing driveway at the application site. It is noted that the extension would be approximate 15m from the neighbouring property and the impact upon the structure at Brynawel is not a material planning consideration.

Having regard for the adjoining neighbours at Chalet Cottage, it is noted that the proposed ground floor extension would be located on the staggered boundary with the neighbour, moving closer to it and for a longer depth than the existing house. This part of the ground floor extension is considered to be of a modest height and has a shallow roof sloping away from the boundary. The ground floor extension would abut the existing lean to at Chalet Cottage, which would also partially screen the extension. The modest height and depth of the extension is not considered to unacceptably impact upon the residential amenity or privacy of the neighbour and is considered acceptable. An informative is recommended with regard to the Party Wall act due to proximity of the ground floor extension to the neighbours existing lean to and boundary.

With regard to the first-floor extension, it would largely be screened by the host property as it would be located on the eastern elevation of the property. The existing gable ended extension would be altered with an increased ridge of 0.4m however the depth would remain the same. The alteration to the roof is considered to be modest and is not considered to unacceptably impact upon the residential amenity of the neighbour. It is noted that concerns were raised with regard to overshadowing and a loss of privacy. However, the window at first floor on the rear would remain and the new window to the rear first floor would be set off the boundary by 9m and would not result in new or different view than already exist from the rear window. With regard to overshadowing the first-floor extension would be located in line with the rear elevation of the property and approximately 10m from Chalet Cottage and is not considered to result in an overshadowing impact.

Amenity space and parking

The proposed extension would result in the loss of a section of the rear and side garden however a large garden would remain that would meet the aims of the Council's SPG on Residential and Householder Development.

It is noted that concerns were raised in regard to parking and congestion within the street, however the property has an existing capacity to park three cars on the existing driveway and the Council do not require additional parking as a result of this proposal. The parking is considered sufficient and provides for off-road parking that would not contribute to any existing congestion within the lane.

Other matters

Concerns have been raised by a number of neighbours with regard to flooding and the consequential disturbance of the water courses from the proposal. The construction of the extension and patio area would be in excess of 100sqm (123sqm) which does result in the need for a SAB application and therefore the drainage of the extension would be considered and addressed within that application (an informative is recommended in this regard). However, with regard to this application the application site is not located within a C1 or C2 flood zone and is not considered to result in or contribute to increased flooding.

It is noted that one tree is located within the garden of the application site and is in good form. No tree survey has been submitted however the tree would remain approximately 7m from the proposed extension and is not considered to be unacceptably impacted upon.

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:

FP06A - Proposed Ground Floor Plan

FP07A - Proposed First Floor Plan

FP05A - Proposed Elevations

FP08B - Proposed block plan

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. R4 CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

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

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

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

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

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

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, MD1 - Location of New Development, MD2 - Design of New Development and MD12 - Dwellings in the Countryside, of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice contained within the Council's Supplementary Planning Guidance on Residential and Householder Development, Planning Policy Wales 10th Edition and Technical Advice Note 12 – Design (2016), the proposal is considered acceptable in terms of its scale, design, impact on neighbours and impact on 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:

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

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

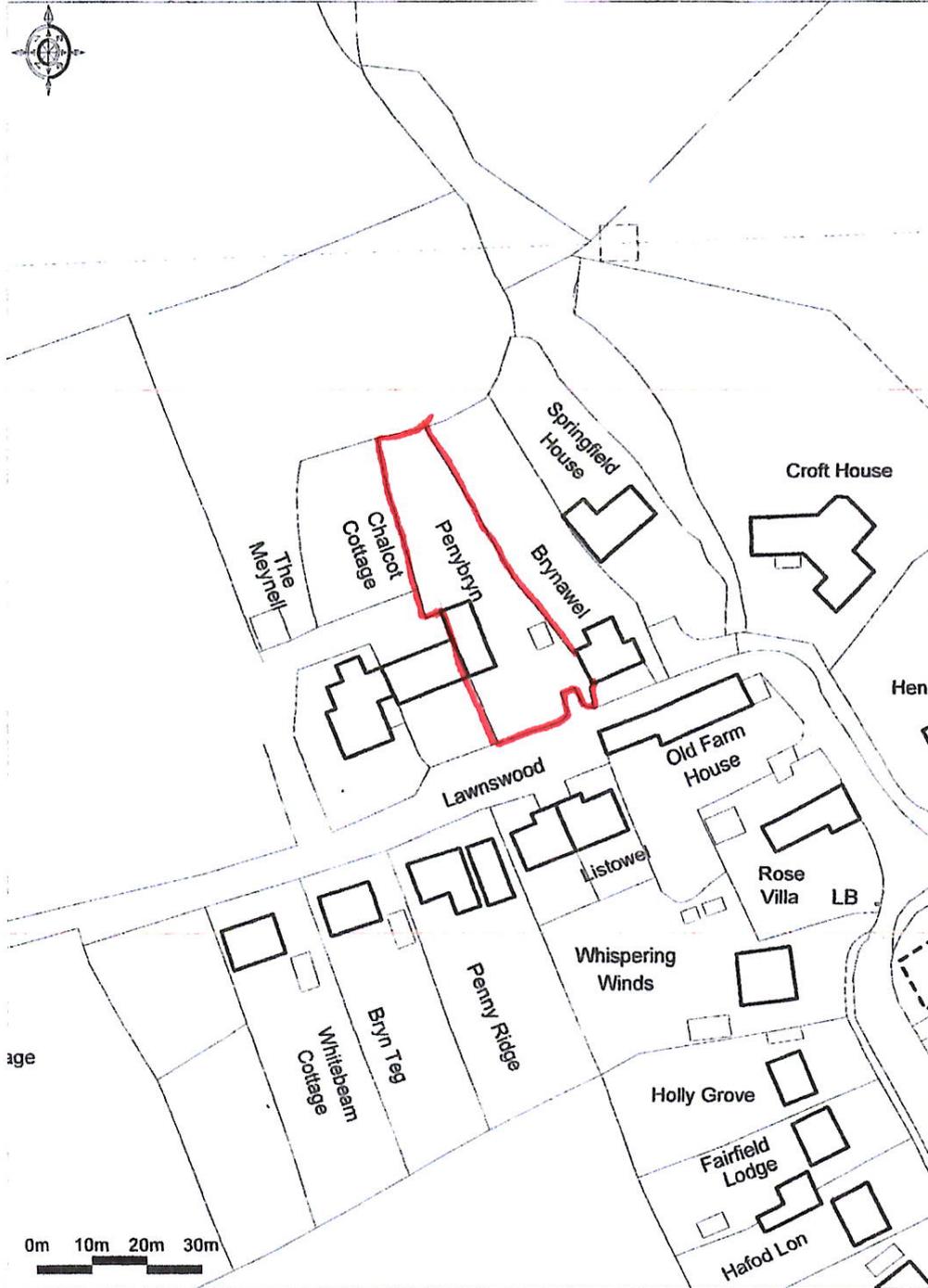
- 2. The applicant/owner shall be aware of the duties imposed under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining occupier(s) where the building owner intends to carry out work which involves: 1. Work involving an existing shared wall with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

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

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

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

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



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