

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 21 JULY, 2021

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:

2021/0017/PO	AC	186, Rhiw'r Ddar, Taffs Well. CF15 7ND	First floor extension over garage, internal remodelling, front elevation single storey pitch roof, extension to lounge
2021/0018/PO	AC	93, Bwlch Road, Fairwater, Cardiff, CF5 3BY	Single storey rear lean-to extension
2021/0019/PO	AC	27, Granville Avenue, Victoria Park, Cardiff, CF5 1BW	Partially demolish rear lean to extension, construct new larger flat roof extension
2021/0020/PO	A	Rose Cottage, Croff y Genau Road, St Fagans, Cardiff, CF5 6DU	New front porch and roof lights
2021/0262/BN	A	35, Conybeare Road, Sully, CF64 5TZ	Two storey side extension and porch
2021/0383/BN	A	12, St. James Road, Wick. CF71 7QW	Part garage conversion. The front will stay as a garage the back will become a gym room
2021/0393/BR	AC	Hen Cartref, Colwinston, CF71 7ND	First floor front extension with new dormers in roof plus associated works
2021/0413/BN	A	23, Willow Close, Penarth, CF64 3NG	Re-roof
2021/0414/BR	AC	73, Eastgate, Cowbridge, CF71 7AA	Conversion of shop, conversion of cottages into two flats and conversion of coach house into single dwelling.

2021/0418/BN	A	96, Dochdwy Road, Llandough. CF64 2PE	Garage conversion
2021/0420/BN	A	5, Dinas Road, Penarth. CF64 3PH	Two storey extension and loft conversion with dormer
2021/0423/BR	AC	11, Merevale, Dinas Powys, CF64 4HS	Single storey extension to provide a double car port and workshop
2021/0425/BR	AC	11, Dyserth Road, Penarth, CF64 3UP	Single storey flat roof extension to side return. Loft conversion.
2021/0426/BR	AC	6, Pioden For, Barry, CF62 5DD	Front elevation extension - New application with front door to East elevation and window to south elevation
2021/0427/BN	A	4, Highbridge Close, Sully, CF64 5SD	Removal of existing ground floor wall and fit new steel beam
2021/0428/BN	A	48, Penlan Road, Llandough, CF64 2LT	Single storey extension
2021/0429/BR	AC	17, Hinchsliff Avenue, Barry, CF62 9UR	Double extension to the side with loft conversion and a single storey extension to the rear
2021/0430/BR	AC	35, Cross Street, Barry, CF63 4LU	Convert existing garage into 2 bed dwelling
2021/0431/BN	A	10, Merevale, Dinas Powys, CF64 4HS	Single storey timber frame extension to the rear of the existing house
2021/0432/BR	AC	85, Lavernock Road, Penarth, CF64 3NZ	Proposed home office, gym and store
2021/0433/BR	AC	The Larches, St. Owains Crescent, Ystradowen, CF71 7TB	Removal of existing glass top of conservatory, extended footprint and provision of new flat roof with glass lantern. Plus garage conversion.
2021/0435/BN	A	6, Trebeferad, Boverton, Llantwit Major. CF61 1UW	First floor extension above existing kitchen

2021/0436/BR	AC	16, Nant Canna, Treoes. CF35 5DE	Single storey side extension
2021/0437/BN	A	65, Lavernock Road, Penarth, CF64 3NY	Proposed single storey, rear and side extension
2021/0438/BR	AC	The Precinct, Boverton Road, Llantwit Major, CF61 1XA	Proposed two storey extension and alterations
2021/0439/BR	AC	84, Victoria Road, Penarth. CF64 3HZ	New dwelling
2021/0440/BN	A	The Stables, Church Road, Llanblethian, Cowbridge, CF71 7JF	2 storey extension
2021/0441/BR	AC	Swn Y Gwynt, Penllyn, CF71 7RQ	Single storey rear and two storey side extensions to existing dwelling house to provide additional living space
2021/0442/BN	A	Pebble Cottage, 11, Lakeside, Barry. CF62 6ST	Two rooms into one
2021/0443/BR	AC	Atlantic College, St. Donats Castle, Llantwit Major. CF61 1WF	Remedial waterproofing works
2021/0444/BR	AC	13, Leoline Close, Cowbridge. CF71 7BU	Two storey side extension with dormer
2021/0445/BN	A	Moraine House, Sutton Road, Ogmore By Sea, CF32 0PE	Garage conversion and structural opening to first floor for window and shed
2021/0446/BR	AC	3, Bittern Way, Penarth. CF64 5FS	Single storey rear extension and porch
2021/0447/BR	AC	11, Ashgrove, Dinas Powys. CF64 4TL	Single storey rear extension
2021/0448/BN	A	Hendre, 3, Woodland Close, Cowbridge. CF71 7AT	Knock through
2021/0450/BR	AC	21, Heol Miaren, Barry, CF63 1FA	Single storey lean to extension
2021/0451/BN	A	38, Coldbrook Road East, Barry. CF63 1NG	Single storey conservatory with internal alterations

2021/0452/BN	A	36, Forrest Road, Penarth. CF64 5DP	Loft conversion
2021/0453/BR	AC	Court Road Depot, Barry Road, Barry. CF62 9BG	Construction of a new two storey centre of learning and wellbeing and all associated hard and soft play areas
2021/0456/BR	AC	Cowbridge Primary School, Land Adjacent to Cowbridge Comprehensive School, Aberthin Road, Cowbridge. CF71 7EN	New two storey primary school
2021/0457/BN	A	Cedar Cottage, Penllyn, CF71 7RQ	Single storey extension including refurbishment of existing building, including replacement roof
2021/0458/BN	A	Cedar Cottage, Penllyn, CF71 7RQ	General renovation work, external structural opening for French doors, installation of steel beam between kitchen and dining room, external structural opening to form corner window to new office and alterations to form shower room on the first floor
2021/0461/BN	A	147, Plassey Street, Penarth. CF64 1EH	Single storey side extension to enlarge kitchen
2021/0462/BN	A	188, Railway Road, Golwg Y Mor, Rhoose. CF62 3FG	Garage conversion to laundry storage and gym
2021/0463/BN	A	13, Kemeys Road, Rhoose, CF62 3DW	Re-roof
2021/0464/BN	A	16 The Grange, Baroness Place, Penarth, CF64 3UW	Two storey extension to rear of property to replace existing conservatory on ground floor and increase size of master bedroom on first floor
2021/0465/BR	AC	24, Glastonbury Road, Sully, CF64 5PZ	Two storey side gable extension with new roof dormers to front, rear and existing side elevations.

2021/0466/BN	A	43, Pardoe Crescent, Barry, CF62 8ER	First floor extension
2021/0468/BR	AC	19, Conybeare Road, Sully, CF64 5TZ	Single storey wrap around rear and side extension
2021/0470/BN	A	14, Main Avenue, Peterston Super Ely, Cardiff, CF5 6LQ	Renovating the house and single storey extension to the rear.
2021/0471/BN	A	3, Marlborough Close, Barry, CF63 2LP	Two internal walls knock down to open the room.
2021/0472/BN	A	The Rectory, 8, Ger Y Llan, St Nicholas, CF5 6SY	Single storey rear extension
2021/0473/BN	A	58, Beechwood Drive, Penarth, CF64 3QZ	Re-roof
2021/0474/BR	AC	Annwyllfan, St Brides Road, Wick, CF71 7QB	Single storey rear kitchen extension
2021/0476/BN	A	15, Augusta Road, Penarth, CF64 5RH	Structural opening in internal wall
2021/0477/BN	A	46, Gelyn Y Cler, Barry, CF63 1FN	Convert existing garage into a study/home office.
2021/0478/BR	AC	28, Sully Terrace, Penarth, CF64 3DS	Single storey rear extension and loft conversion with rear dormer
2021/0479/BN	A	14, Mountjoy Avenue, Penarth, CF64 2SX	Single storey rear extension
2021/0480/BN	A	1, Manor Park, Llantwit Major, CF61 1RS	Installation of steel beam at ground floor level
2021/0481/BR	AC	15, Highbridge Close, Sully, CF64 5SD	Proposed single storey rear extension with proposed internal alterations
2021/0482/BN	A	12, Dyfrig Street, Barry, CF62 5TW	Loft conversion with dormer and single storey extension 12sqm
2021/0483/BN	A	58, Plymouth Road, Penarth, CF64 3DJ	Re roof
2021/0484/BN	A	60, Plymouth Road, Penarth, CF64 3DJ	Re roof

2021/0485/BN	A	36, Victoria Road, Barry, CF62 6PG	Single story small rear extension and creating opening to internal load bearing wall
2021/0487/BN	A	17 ,Main Road, Ogmore By Sea, CF32 0PD	Balcony extension
2021/0488/BN	A	The Wild Goose Inn, Llanbethery, CF62 3AN	Demolition to existing garage and construction of a new single storey garage in its place.
2021/0489/BN	A	2, St Bride's Way, Barry, CF63 1DU	Over garage extension to create extra bedroom and enlarge bathroom (not including any garage change)
2021/0490/BN	A	1, Pioden For, Barry, CF62 5DD	Single storey extension with WC at rear of property
2021/0491/BN	A	20, Queen Street, Barry. CF62 7EE	Two rooms into one
2021/0493/BN	A	23, Britway Road, Dinas Powys, CF64 4AF	Internal remodelling to improve current kitchen/dining layout. Structural modifications to remove internal walls and open up existing rear wall. Re-location of ex siting family bathroom and installation of new en-suite. Demotion works and replacement single storey extension approx. 9sqm
2021/0495/BN	A	Vale Cottage, Dimlands Road, St Donats, CF61 1ZB	Two storey extension including internal alterations
2021/0497/BN	A	Hillsboro, St. Brides Major. CF32 0SD	Knock through to outside

(b) Building Regulation Applications - Reject

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

2021/0398/BN	R	26, Hastings Avenue, Penarth. CF64 2TF	Loft conversion
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2021/0415/BN	R	11, Picca Close, Wenove. CF5 6XP	Single storey extension
2021/0419/BN	R	24, Enfield Drive, Barry. CF62 8NU	Two storey extension
2021/0421/BN	R	22, Borough Avenue, Barry. CF62 9UU	Loft conversion with dormer
2021/0422/BN	R	34, Sea Point, Crosshill, Barry, CF62 6TB	Knock through
2021/0434/BN	R	54, Heol Collen, Culverhouse Cross, Cardiff, CF5 5TX	Loft conversion with Velux windows
2021/0449/BN	R	Gatehouse, Southgate, Cowbridge. CF71 7BD	3 single storey extensions
2021/0460/BN	R	10, Eagle Road, St Athan, CF62 4NR	Single storey rear extension
2021/0467/BN	R	8 Ca'r Pwll, Dinas Powys, CF64 4UJ	Remove current conservatory and build a single deck extension
2021/0475/BN	R	1, Sunnyside Cottage, Beggars Pound, St Athan, CF62 4PB	two storey side extension and front porch
2021/0486/BN	R	13, Fennel Close, Cogan, Penarth, CF64 2QF	Double storey dropping to single storey side extension
2021/0492/BN	R	7, Harbour Road, Barry, CF62 5SA	Loft conversion with dormer
2021/0494/BN	R	99, Princes Street, Barry, CF62 7EN	Proposed garage to rear of existing domestic dwelling

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

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

2021/0110/AI	A	73, Plassey Street, Penarth, CF64 1EP	Alteration works to existing dwelling to include side extension, structural alterations plus associated internal alterations
2021/0111/AI	A	4, Countess Place, Penarth. CF64 3UJ	Dormer loft conversion and associated works

2021/0112/AI	A	39, Romilly Road, Barry. CF62 6LF	Proposed internal structural opening (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0113/AI	A	Glenburnie, Port Road, Wenvoe, CF5 6AB	Construction of new care home and associated works
2021/0114/AI	A	24, Lon Yr Eglwys, St. Brides Major, CF32 0SH	Garage conversion
2021/0115/AI	A	The Sycamores, Llysworney, Cowbridge, CF71 7NQ	Proposed new roof to existing sunroom including Velux window installation and Bi-Fold doors (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0116/AI	A	Wenvoe Community Council, Community Centre / Old Port Road, Wenvoe. CF5 6AN	Proposed single storey modular building for use as a replacement library
2021/0117/AI	A	50, Maes Y Gwenyn, Rhoose, CF62 3LA	Loft conversion and associated work
2021/0118/AI	A	17, Gibson Way, Penarth, CF64 1TA	Alterations to ground and first floor of house including conversion of garage to kitchen and kitchen to bedroom
2021/0119/AI	A	27, Cedar Way, Penarth. CF64 3NL	Proposed removal of kitchen wall dividing dining room (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

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PLANNING COMMITTEE : 21 JULY, 2021

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

2013/01279/4/C D	A	Land South of Cog Road Sully	Discharge of Condition 23 (Means of Enclosure). Planning approval 2013/01279/OUT - Residential development with associated access and associated works (max 350 dwellings) at Land south of Cog Road, Sully
2016/01446/2/C D	A	Site N2A, Holton Reach, Barry	Discharge of Conditions 6 (Drainage) 8 (Drainage Adoption) 12 (CEMP) & 17 (Biodiversity) of Planning Application 2016/01446/FUL: [Community centre and place of worship with car parking and landscaping].

2017/00541/8/C D	A	Northcliffe Lodge, Northcliffe Drive, Penarth	Discharge of Condition 17 (Imported Topsoil) and Condition 18 (Imported Aggregate). Planning approval 2017/00541/FUL - Demolition of existing dwelling and outbuilding, erection of 30 apartments, new access and alterations to adjacent parking area, replacement tree planting and landscaping and associated works (resubmission application)
2018/01083/1/C D	A	The Laurels, Llanquian Road, Aberthin	Discharge of Conditions 3 - CEMP Report; 4 - CEMP - Inclusive of method statement for site clearance; 5 - Drainage Scheme; 6 - Samples of Materials; 7 - Landscaping Scheme; 9 - Retaining Wall Design/Detail; 10 - Road Widening construction; 14 - Bio diversity enhancement plan; 16 - screening of terrace; and 18 - Levels plan. Planning permission 2018/01083/FUL - Proposed construction of 2 detached dwellings with new access
2019/00597/1/N MA	A	Sunbeams, Twyncyn, Dinas Powys	Non Material Amendment - Main building - Stone removed from the front elevation and to the rear above the snug. Double garage revised to single garage. Plot 1 and 2 Study formed from walk in wardrobe. Dormer window added to study. Up and over Velux added to rear bedroom. Kitchen position relocated to centre of building. Door added to

			utility. Planning approval 2019/00597/FUL - Proposed alteration and extension of existing dwelling and residential development of 2 detached dwellings within the curtilage of site with new access
2019/00603/4/C D	A	Land at Hayes Road, Barry	Discharge of Condition 8 (Materials in construction). Planning approval 2019/00603/FUL - The proposed development of 23 affordable homes and associated works at Land at Hayes Road, Barry
2019/01060/3/C D	A	Windsor Hotel, Holton Road, Barry	Discharge of Condition 7 (Drainage Scheme), Condition 8 (Materials) and Condition 9 (Construction Environment Management Plan). Planning approval 2019/01060/FUL - Demolition of existing single storey rear extensions; the refurbishment and change of use of the former public house (Use Class A3) to provide 18 no. affordable apartments (Use Class C3); together with access to car parking spaces, bin store, cycle store, amenity area, ancillary works and uses at The Windsor, 166-170, Holton Road, Barry
2019/01061/1/C D	A	Sea View Labour Club, Dock View Road, Barry	Discharge of Conditions 6 (Drainage), 7 (Materials in construction), 8 (CEMP) and 15 (Building Recording). Planning permission:- 2019/01061/FUL - Demolition of existing single storey rear

			<p>extensions; the refurbishment and change of use of the former public house (Use Class A3) to provide 20 no. affordable apartments and the erection of a new detached 2-storey apartment building to the rear to provide 8 no. affordable apartments (Use Class C3), together with a widened existing vehicular access to car parking spaces, cycle store, bin store, ancillary works and uses</p>
2019/01062/1/C D	A	Castle Hotel, Jewel Street, Barry	<p>Discharge of Conditions 6 (Drainage), 7 (Materials of Construction), 8 (CEMP) and 16 (Building Recording). Planning approval 2019/01062/FUL - Demolition of existing outbuildings and single storey side extension; the refurbishment, reconfiguration and re-use of the existing public house (Use Class A3)/community facility; the provision of 14 no. affordable apartments (Use Class C3) through change of use and a new build 2-storey side extension; together with the repositioning and widening of the existing vehicular access to car parking spaces, new paving to beer garden and play area, bin store, cycle store, ancillary works and uses</p>
2019/01162/3/N MA	A	South Quay Waterside, Barry Waterfront, Barry	<p>Non-Material Amendment - Amendment to shopfront design, namely switching a single narrow glass panel to detail to match built</p>

			structure below and above. Planning approval 2019/01162/RES - Variation of Condition 1 of Planning Permission ref. 2018/00592/RES: Minor amendment to the elevation details and amendment to plan schedule to reflect revised detail
2020/00012/OBS	B	Phase 2, Land to North of M4 Motorway Junction 33, Creigiau	Application is sought for the appearance, landscaping, layout and scale (the Reserved Matters) as prescribed by Conditions 4, 7, 8, 9, 12, 13, 14, 15 and 16 of the Outline planning permission granted (14/00852/DCO) in respect of the infrastructure associated with the spine road and park and ride facility at the land to the North of Junction 33 of the M4
2020/00277/1/C D	A	Land to the West of Southra Farmhouse, Southra, Dinas Powys	Discharge of Conditions 5 (means of enclosure to define residential curtilage) and Condition 8 (archaeological written scheme of investigation / mitigation). Planning permission 2020/00277/FUL - Construction of a bespoke single (low carbon and energy positive) residential dwelling, diversion of a footpath, landscape planting and associated works at Land to the West of Southra Farmhouse, Southra, Dinas Powys

2020/00291/FUL	R	11, Lynmouth Drive, Sully	Addition of First Floor with balconies and sun terrace to rear. Ground Floor front and rear extensions with terrace to rear and external alterations.
2020/00412/1/C D	A	St. Peters Church, Church Road, Rhoose	Discharge of Conditions 4 (Means of Enclosure), 5 (Drainage), and 7 (Ecology) of Planning Permission 2020/00412/FUL:- Alterations and extensions to improve facilities at the Church. These include new kitchen and A3 classification franchised drop in cafe. Meeting rooms and hall to the North of the Church and a new vestry and meeting room to the East together with solar panels at St. Peters Church, Church Road, Rhoose
2020/00579/1/C D	A	Warren Farm, Redway Road, Pendoylan	Discharge of Conditions 7,8 and 9 of Planning permission ref: 2020/00579/FUL: Change of use of an undeveloped agricultural field into a campsite with four self-contained temporary camping pods including children's play area with carparking, connecting pathways and lighting at Warren Farm, Redway Road, Pendoylan
2020/00670/FUL	A	Morlanga Farm, Peterston Super Ely	Two and single storey rear extensions.
2020/00748/FUL	A	Brackendene, Burdonshill Lane, Wenvoe	Proposed Glamping site on part of Brackendene, Burdonshill, Wenvoe

2020/00751/FUL	A	The Cider Barn, Crossways, Cowbridge	Timber clad shipping container situated by my barn to be used for storage of cider / perry and as a shop / bar to sell my ciders and perries to customers by pre appointment as well as host small events / open bars to the public during the summer months (mid April till October)
2020/00962/1/N MA	A	85, Lavernock Road, Penarth	Non Material Amendment - Change boundary wall from facing brickwork to rendered blockwork to match main house. Planning permission 2020/00962/FUL - Proposed construction of new home office, gym and store, and rebuilding of boundary wall with increased height
2020/01008/FUL	A	Walled garden opening and access track to Dunraven Estate, Southerndown	Proposed opening within walled garden and formation of associated vehicular access track
2020/01119/LBC	A	Walled garden at Dunraven Estate, Southerndown	Proposed opening within walled garden and formation of associated vehicular access track.
2020/01194/FUL	A	6, Porlock Close, Ogmore By Sea	Previous construction of front deck, rear deck with side panel for privacy, pergola and continuation of existing boundary fence
2020/01292/FUL	A	Castle Upon Alun House, St. Brides Major	Proposed change of use of redundant stables to holiday let
2020/01293/LBC	A	Castle Upon Alun House, St. Brides Major	Proposed change of use of redundant stables to holiday let

2020/01365/1/N MA	A	Mole End, Pen Y Turnpike Road, Dinas Powys	Non Material Amendment Change of window style in the front facing gable and render style/colour. Planning approval 2020/01365/FUL - Proposed bungalow refurbishment including ground floor rear extensions and loft conversion with front and rear dormers and balconies to front elevation
2020/01370/FUL	R	Danygraig, Graig Penllyn	Erection of three residential dwellings
2020/01448/1/N MA	A	4, Flanders Meadow, Llantwit Major	Non Material Amendment - Amendment to the new extension roof, removing the hip at the corner to create a complete lean to roof. Change of the rear staircase from masonry to a steel structure. Planning approval 2020/01448/FUL - Demolition of rear conservatory to create new rear extension. Proposed new entrance porch and remodelled driveway
2020/01537/FUL	A	23, Bron Awelon, Barry	Small changes to our conservatory, same exact footprint. Making the roof flat and slate instead of the plastic one we have. The east facing opaque windows replace with a brick wall to improve the insulation of the conservatory
2020/01563/1/C D	A	16, Nant Canna, Treoes	Discharge of Condition 3 (Materials Details) - Further details of the proposed brick to be used. Previous approval 2020/01563/FUL - Single storey side extension

2020/01569/FUL	A	The Great House, Southerndown	Demolition of part of existing single storey kitchen extension. Erection of a two storey structure to provide kitchen/diner accommodation on ground floor and study area on upper floor. Inclusion of a balcony at upper floor level
2020/01580/FUL	A	7, Leoline Close, Cowbridge	Change of use of area to domestic garden area together with boundary treatments and small timber bridge over culvert
2020/01591/FUL	A	116, Andrew Road, Penarth	Proposed hips to gables and Dormer loft conversion, first floor with rear balcony, side and front extensions
2021/00059/FUL	A	13, Leoline Close, Cowbridge	Two storey extension with dormers to side elevation
2021/00068/FUL	A	4, The Glades, Penarth	Change of use of 2 bedroom annex to bed and breakfast accommodation
2021/00071/FUL	A	Seacroft, 57, Clive Place, Penarth	Single storey side and part rear extension, form new vehicular access to rear of property
2021/00091/FUL	A	41, Park Road, Barry	Proposed rear single storey kitchen extension extended to proposed single storey side extension incorporating kitchen and shower room. Sizes and areas correspond to the Welsh Government householders permitted guidelines.
2021/00103/FUL	A	28, West Farm Road, Ogmore By Sea	AMENDED PLANS: Amendment to design of previously approved

			'Garden Room' element of Planning Approval 2014/00596/FUL, to include enlargement, heightening and other alterations
2021/00196/FUL	A	Flat 8, Albert Court, 11, Albert Crescent, Penarth	Replace 2 no. existing windows with French doors and install new external balcony plus associated works
2021/00223/FUL	A	11, Purcell Road, Penarth	Extend the ground and first floor to the rear and side of the property. This will accommodate a larger kitchen / diner on the ground floor, store to the side of the house and utilise part of the existing kitchen to create a small utility room. To the first floor the extension consists a 4th bedroom with en suite and bathroom.
2021/00233/FUL	A	2, St. Brides Way, Barry	First floor side extension to create bedroom and extend existing family bathroom
2021/00235/FUL	A	Sunnybank, Cross Common Road, Dinas Powys	Construction of new double garage
2021/00238/FUL	A	Woodside, Westra, Dinas Powys	Remove existing decking and construct to rear of garden new garden room with sauna and veranda
2021/00259/FUL	A	Emporium Health & Wellbeing, Unit 50, Vale Business Park, Llandow	Mixed use comprising Use Class D2, A3 and Sui Generis.
2021/00284/ADV	A	Triangle Building (Former Tourist Information Centre), 11A, Paget Road, Barry	Aluminium composite sign tray to be face laminated with company logo and contact details

2021/00285/LAW	R	The Cwm, 3, Brook Lane, St. Nicholas	Compliance with a rural occupancy condition
2021/00292/FUL	A	Leeshore, 21, Fonmon Road, Fontygary, Rhoose	Rear ground floor and front porch extensions, 1st floor enlarge bathroom and new bedroom extension, enlarge dormer and extra Velux window
2021/00302/FUL	A	Flat 2, 3, Marine Parade, Penarth	Replacement of existing balcony feature with new and associated canopy
2021/00307/FUL	A	Barons Court, Penarth Road, Penarth	Change of use from A3 to mixed use, comprising A3, B1, B2 and D1.
2021/00314/FUL	A	134, Redlands Road, Penarth	Proposed single storey extension to existing ground floor
2021/00321/FUL	A	16, Tudor Place, Llantwit Major	Single storey rear extension and garage conversion
2021/00340/FUL	A	9, Glebeland Place, St Athan	Two storey side and rear extension
2021/00341/FUL	A	7, St. Lythans Road, Barry	Demolish existing lean to single storey rear extension and build new flat roof, single storey rear extension and small garage
2021/00344/FUL	A	Sarum, 19, Craig Yr Eos Road, Ogmore By Sea, Bridgend	Variation of Condition 2 of the approval 2020/00198/FUL – to include amended size to front dormers, alteration to dormer material and addition of side windows on front dormers
2021/00353/FUL	A	66, Brookfield Avenue, Barry	Proposed 2 storey side extension and single storey rear extension

2021/00354/FUL	A	19, Powys Drive, Dinas Powys	Proposed two storey side extension
2021/00355/FUL	A	11, Porth Y Castell, Barry	1) Window replacement throughout: Replacement of original wooden windows with UPVu sash and/or casement windows (white) of similar design. Intent is to install clear glass without lead detail. Replacement of wooden framed stained glass units with UPVc casement, stained glass retained and refurbished and encapsulated in double glazed units 2) New composite main entrance door 3) Complete roof replacement, installation of six to the property
2021/00359/FUL	A	9, Belle Vue Terrace, Penarth	Proposed roof space conversion to form additional bedroom with en suite including rooflights to front elevation and dormer to rear elevation
2021/00361/FUL	R	60, Brookfield Avenue, Barry	Proposed two storey side extension
2021/00365/FUL	A	34, Heol Eryr Mor, Barry	Erect conservatory to rear of the property
2021/00367/FUL	A	Seren Wyb, Cowbridge Road, St. Athan	Proposed new lean to store shed to side of property and new front porch
2021/00374/LAW	A	Austin Friars, Blackhall Road, St. Brides Major	Construction of single storey side and rear extension, reduce size of existing garage and convert to gym/store. Construction of first floor extension to extend bedroom 3

2021/00380/FUL	A	West Down, Cross Common Road, Dinas Powys	Replacement agricultural building
2021/00387/FUL	A	Vale View, Welsh St. Donats	New stable block
2021/00388/FUL	A	Cowbridge Athletic Club, Athletic Ground, The Broadshoard, Cowbridge	Proposed cricket nets and associated works
2021/00401/FUL	R	Caeronnen, Llantrithyd	To construct a single storey contemporary glazed orangery extension to the rear of a double storey single occupancy residential property
2021/00403/FUL	A	Meadowgate, Llanancarfan	Internal works to remodel layout and associated general works including extensions to front elevation, additional first floor roof terrace to rear and construction of a garage closer to access
2021/00405/FUL	A	16, The Grange, Baroness Place, Penarth	Two storey rear extension
2021/00406/FUL	A	17, Colhugh Park, Llantwit Major	Proposed single storey extension with terrace above
2021/00417/FUL	A	12, Pembroke Terrace, Penarth	To convert the property back to its original state as a house (currently 2 flats) and replace windows at the front of the house.
2021/00421/FUL	R	Enfield Cottage, 22, Old Port Road, Wenvoe	Demolition of existing porch and construction of two-storey extension to provide hallway, en-suite bathroom and cloakroom facilities
2021/00425/FUL	A	1, Tanfield Cottages, West Street, Llantwit Major	Alteration and extension to existing dwelling

2021/00437/FUL	A	5, Handel Close, Penarth	Demolition of existing rear extension and side detached garage structure. Proposed side and rear, two-storey and single storey extension. Replacement of existing front porch structure, and all associated external works
2021/00438/LAW	A	52A, Pill Street, Cogan, Penarth	52a, Pill Street as a single storey self contained 2 bedroom residential dwelling
2021/00448/FUL	A	Vale District Scout Hall, Ewenny Road, St. Brides Major	The proposed plan is to build a second storey on half of the scout hall which is on the North West side of the building and then replace the remaining roof with a slight pitch with the added pergola covered space over the activity space also on NW end of the building
2021/00451/RG3	A	Ysgol Y Deri, Sully Road, Penarth	Installation of single storey Portakabin modular classrooms, for 104 weeks only
2021/00452/FUL	A	14, Liscum Way, Barry	Single storey extension to the front elevation
2021/00458/LAW	A	70, Minehead Avenue, Sully	Proposed rear dormer with Juliette balcony, rear utility room and front entrance porch extensions. Existing garage conversion. Internal dwelling alterations
2021/00460/FUL	A	6, Heol Collen, Culverhouse Cross, Cardiff	Extension of existing garage to provide home office
2021/00462/FUL	A	11, St. Augustines Road, Penarth	Proposed loft conversion with rear dormer and internal alteration

2021/00468/FUL	A	37, Ffordd Cwm Cidi, Barry	Replacement of conservatory. Conservatory pitched roof to flat roof
2021/00471/FUL	A	10, Dowland Road, Penarth	Proposed single and two storey rear extension, with relocation of bathroom window to side elevation. Proposed covered shelter to side and proposed front porch structure with all associated external works
2021/00473/FUL	A	Larch Croft, Aberthin	Single storey extension with upper floor element above main bedroom
2021/00474/FUL	A	Greenside, Chapel Road, Wick	Extension to side of existing property
2021/00477/LAW	R	26, Salop Street, Penarth	L-shaped dormer loft conversion to the rear of the property, new rooflights and the removal of the rear chimney.
2021/00479/FUL	A	19, Westbourne Road, Penarth	Demolition of dilapidated existing garden building and replacement with new garden building
2021/00480/LBC	A	Rose Cottage, South Gate, Cowbridge	Repairs and possible replacement of slate roof to main house
2021/00484/FUL	A	70, Lavernock Road, Penarth	Change of driveway access to property with additional drop kerb
2021/00487/FUL	A	72, Lavernock Road, Penarth	Addition of driveway access from the public highway including a new vehicle crossover to improve access safety and avoid manoeuvring multiple cars for entry/egress from the property

2021/00489/FUL	A	9, Porlock Close, Ogmore By Sea	To erect a demountable sun canopy/ pergola in back garden. The structure will be made of 4 aluminium upright posts with horizontal beams to hold a lightweight fabric canopy.
2021/00491/FUL	A	33, Clos Y Rheilffordd, Barry	Chalet style shed located at the bottom of the garden
2021/00492/LAW	A	68, Redlands Road, Penarth	New hip to gable and rear dormer roof extension
2021/00493/FUL	A	35, Glebeland Place, St. Athan	Proposed ground floor disabled annex to side of dwelling
2021/00494/FUL	A	98, Murlande Way, Rhoose	Two storey side extension with first floor extension over existing garage and single storey extension to the rear of residential dwelling. Demolition of existing conservatory
2021/00495/RG3	A	Llanfair Primary School, St. Mary Church	Installation of a demountable unit to accommodate a childcare provision. Works to include erection of a canopy shelter, ramped access and all associated site preparation and external works
2021/00497/LAW	A	19, Conybeare Road, Sully	Rear and side single storey extension
2021/00500/FUL	A	18, Winsford Road, Sully	New external front porch, steps and planter
2021/00502/FUL	A	3, Chapel Row, Dinas Powys	Two storey extension to rear and single storey to side
2021/00504/FUL	A	21, Llanmaes Road, Llantwit Major	Single storey rear extension

2021/00510/FUL	A	HSBC, 61, High Street, Cowbridge	Installation of one new CCTV camera to front elevation
2021/00511/LBC	A	HSBC, 61 High Street, Cowbridge, CF71 7YJ	Installation of one new CCTV camera to front elevation
2021/00513/FUL	A	26, Victoria Square, Penarth	Single storey extension to the side and rear
2021/00515/FUL	A	19, Seaview Drive, Ogmore By Sea	Demolition of existing single garage and attached workshop. Erection of single storey ancillary accommodation structure
2021/00517/FUL	A	21, Westbourne Road, Penarth	Repair and alteration of partially derelict structure to include reinstatement of missing elements and a single storey extension to the rear.
2021/00527/FUL	A	The Paddock, Clawddcoch, Pendoylan	Proposed single storey extension to provide kitchen and dining area
2021/00529/LAW	A	5, Brookside, Robins Lane, Barry	Rear single storey extension
2021/00531/FUL	A	73, Cedar Way, Penarth	Demolition of existing detached garage and erection of new ground floor rear extension
2021/00532/FUL	A	Craig Yr Awel, 3, Tyla Rhosyr, Cowbridge	Proposed gym/office
2021/00534/FUL	A	Curnix Farm, Ty Frandy, Cuckoo Mill Lane, Moulton	Variation of Condition 1 of Planning Permission 2016/00434/FUL - Proposed replacement dwelling with ancillary garage/store and home office
2021/00535/FUL	A	43, Porth Y Castell, Barry	Proposed single storey rear extension sunroom

2021/00537/FUL	A	Caia House, St. Nicholas	Variation of Condition 2 (Approved Plans and Documents) of Planning Permission 2016/01225/FUL: Part demolish existing substandard parts of house and integral garage. Part extension/refurbishment of property to provide additional living/bedroom space and detached garage. Upgrading of exterior at Caia House, St. Nicholas
2021/00538/FUL	A	31, Bramble Avenue, Barry	Single storey extension to the rear of the property to create a living room/ playroom. The proposed materials will match the existing wherever possible
2021/00540/FUL	A	Cwrt Yr Ala House, Michaelston Le Pit Road, Michaelston Le Pit	Alterations to existing gated access to provide a wider opening with replacement gates and additional railings to existing boundary walls. Amendments to consent 2017/00852/FUL
2021/00541/FUL	A	25, Sandringham Close, Barry	Single storey porch and bathroom extension to front and side of property. Increase the size of existing driveway
2021/00542/FUL	A	Ty Caredig, Old Farm Mews, Dinas Powys	Conversion of existing carport into garage
2021/00545/FUL	A	38, Stanwell Road, Penarth	Widening crossover and rebuilding existing boundary wall and pillars, stone caps and railings, planting and timber bike.

2021/00546/FUL	A	Ty Celyn, Mill Lay Lane, Llantwit Major	Single storey extensions to the front side and rear, including material alterations
2021/00547/LAW	A	Cherry House, Park Road, Barry	Proposed garden room in rear
2021/00548/FUL	A	20, Cosmeston Drive, Penarth	Demolition of existing garage and replacement with new side, 2 storey dormer and rear single storey extension. Alteration to front drive to provide side by side parking rather than single file parking
2021/00549/LAW	A	103, Cornerswell Road, Penarth	Single storey rear extension
2021/00554/FUL	A	The Paddocks, Ystradowen	Proposed integral garage / family room and first floor bedroom(s) extension
2021/00560/FUL	A	Dunster Cottage, 18, South Road, Sully	Proposed two storey extension to rear to form living room and master bedroom with terrace to first floor and alterations to existing vehicular access
2021/00564/FUL	A	Former White Lightning Launderette, Ground Floor, 59, Vere Street, Barry	Change of use to create 1.no self contained 2 bed apartment and associated alterations
2021/00566/FUL	A	67, Burdons Close, Wenvoe	Loft conversion incorporating new dormer window to rear and a number of rooflights
2021/00573/FUL	A	1, Lllys Y Coed, Barry	Single storey rear extension
2021/00574/FUL	A	77, Shakespeare Avenue, Penarth	Demolition of existing conservatory and the construction of a new single storey side & rear extension plus all associated works

2021/00581/LAW	A	47, Greenfield Avenue, Dinas Powys	Rear ground floor extension plus hip to gable dormer loft conversion
2021/00589/FUL	R	First Floor Flat, 29, Park Road, Barry	Redevelopment of existing flat internally to give more rooms and externally with an extension, updated roof and new cladding finishes. New external metal staircase and balcony. The redesign looks to use the space from the first floor of the adjacent building (address The Willows, 29 Park Road, CF62 6NX)
2021/00591/FUL	A	9, Grange Close, Wenvoe	Change of use from garage to home office, incorporating material alterations
2021/00600/FUL	A	Vale Cottage, St. Donats	Proposed two storey and single storey extension to the side of the property; internal and external alterations; alteration to fenestration, including additional windows; alterations / addition to terrace; alterations / extension to driveway to include turning area; and other alterations
2021/00611/FUL	A	23, Trem Y Bae, Penarth	First floor side extension, single storey rear extension and store infill to ground floor front
2021/00612/FUL	A	Co-Operative Group Limited, 26, Windsor Road, Penarth	Replacement AC units, replacement rear gate and replacement shop front door
2021/00613/FUL	A	47, Althorp Drive, Penarth	Rear garden two storey extension; ground floor living / dining / utility; first floor double bedroom /

			ensuite; front single storey extension; ground floor entrance door alteration and living room extension
2021/00614/FUL	A	51, Hinchsliff Avenue, Barry	Proposed single storey extension to replace existing to side elevation and new integrated porch to front
2021/00615/FUL	A	57, Baruc Way, Barry	Proposed single storey rear extension
2021/00619/LAW	A	18, Forster Street, Barry	Build rear flat roof dormer with Juliette balcony and relevant internal works
2021/00623/LAW	A	10, Is Y Coed, Wenvoe	Demolish existing conservatory and replace with single storey extension with fully insulated roof
2021/00626/FUL	A	3, Darren Close, Cowbridge	Proposed dormer extension over front lean-to roof
2021/00627/FUL	A	17, Hinchsliff Avenue, Barry	Double extension to the side, loft conversion with rear dormer and single storey extension to the back of property
2021/00631/FUL	A	Ty Ar Y Bryn, Trehedyn Lane, Peterston Super Ely	Rear single storey extension
2021/00632/FUL	A	35, Cilgant Y Meillion, Rhoose	Dormer window to the rear elevation and single storey extension to the front elevation
2021/00636/FUL	A	17 Clement Place, Barry	Demolish existing lean-to conservatory and utility room and construct a rear single storey extension with dormer bedroom above

2021/00639/LAW	A	62, Cosmeston Drive, Penarth	Single storey rear extension
2021/00643/FUL	A	Station House, 1, Station Terrace, Wenvoe	Demolition of existing garage, single storey extensions to side and rear. Conversion of attic space with dormer to rear
2021/00645/PND	A	Former Petrol Filling Station, Palmerston Road, Barry	Demolition of former petrol filling station
2021/00647/FUL	A	101, Minehead Avenue, Sully	Demolition of existing lean to/outbuildings and construct new single storey extension to rear and side, additional ground floor window to side elevation
2021/00651/LAW	A	8, Ca'r Pwll, Dinas Powys	Single storey rear extension
2021/00662/FUL	A	50, Uplands Crescent, Llandough, Penarth	Demolition of existing rear lean-to conservatory structure and side garage. Proposed front, rear and side wrap-around, single storey extension with all associated external works.
2021/00668/FUL	A	Llanrest, Pont Sarn Lane, Peterston Super Ely	Demolish existing single garage and replace with a double garage
2021/00671/FUL	A	12, Pontypridd Road, Barry	Proposed Velux loft conversion and alteration to main access from side elevation to front elevation
2021/00673/FUL	A	36, Paget Road, Penarth	Variation of Condition 2 (Approved Plans) of Planning Permission 2018/00264/FUL [Proposed alterations - two storey extension and roof terrace to an existing property]

2021/00679/FUL	A	Doghill Farm, Dyffryn	Increase the height and enclosure of an existing concrete silage clamp on an agricultural holding with a steel portal frame, clad with profiled metal cladding on the roof and vertical timber slat boarding on the sides and rear
2021/00718/FUL	R	11, Plas Glen Rosa, Penarth Portway, Penarth	Single storey rear extension
2021/00747/FUL	A	3, Clos Yr Wylan, Barry	Single storey rear extension that would ordinarily fall under permitted development but requiring planning approval due to Nells Point original development planning conditions/ covenants
2021/00752/FUL	A	33, Pontypridd Road, Barry	First floor extension on top of existing extension
2021/00762/FUL	A	29, Clos Peiriant, Barry	Timber fencing to rear garden. Retention of existing fence with height reduced from existing to 2.15m above ground level.
2021/00767/LAW	A	35, Grange Gardens, Llantwit Major	Single storey rear extension

Agenda Item No. _____

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 21 July 2021

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2021/00230/FUL
Appeal Method: Written Representations
Appeal Reference No: D/21/3276521
Appellant: Mr & Mrs Watkins
Location: The Barn, Cuckoo Lane, Moulton
Proposal: Demolition of existing single storey front extension and erection of new front and rear two storey extensions, with balcony to the front elevation. New store/gym on lower level
Start Date: 11 June 2021

LPA Reference No: 2021/00142/FUL
Appeal Method: Written Representations
Appeal Reference No: D/21/3277052
Appellant: Mr Graeme Roberts
Location: 10, Clive Place, Penarth
Proposal: Replace the single dormer with a dormer spanning the full width of the property roof space
Start Date: 23 June 2021

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

LPA Reference No: 2019/00779/HH
Appeal Method: Written Representations
Appeal Reference No: T/19/3239648
Appellant: Mrs. Yvonne Levitt
Location: 131, Fontygary Road, Rhoose, CF62 3DU
Proposal: High hedge
Decision: Appeal Dismissed
Date: 18 June 2021
Inspector: Joanne Burston
Council Determination: Delegated

Summary

This appeal was made under the Anti-social Behaviour Act 2003 and High Hedges Regulations (Appeals) (Wales) 2004 against the decision of the Council not to issue a Remedial Notice (RN) requiring a hedge to be reduced in height. The main issues were considered to be whether the height of the hedge was adversely affecting the appellant's enjoyment of their property and whether it was reasonable and appropriate to issue a RN.

The hedge was situated on land at 131 Fontygary Road which bordered the north-east boundary of 129 Fontygary Road, the appellant's property. The appellant had complained that the height of the hedge detracted from the reasonable enjoyment of her house and garden in relation to light loss however following an investigation, the Council decided not to issue an RN.

The hedge and its surroundings

The hedge was comprised of a row of evergreen leylandii trees lying along a length of approximately 24 metres of the joint boundary and situated approximately 2.6 metres from the centre of the nearest window of the complainant's property. The Council had calculated the height above which the hedge would be likely to cause a significant loss of light to the rear garden area (the action hedge height, AHH) as 4.10 metres. At the time of its decision, the hedge was a maximum height of 3.8 metres and at the time of the Inspector's visit, the hedge was a maximum height of 3.7 metres.

Reasonable enjoyment of the property

The appellant had objected to the Council's decision not to issue a RN and submitted that the hedge resulted in a loss of light at ground and first floor rear windows and within the rear garden. Furthermore, the hedge caused debris on the patio area, was difficult to safely maintain and obstructed views to the west.

The Inspector identified however that the Building Research Establishment's guidelines used by the Council was a reliable source of information to assess whether daylight and sunlight levels were met in accordance with the British Standard and in this case, the hedge was below the AHH and therefore unlikely to have an adverse effect on light. She concluded that going against this assessment would require good reasons and in her view, the Council's decision not to issue an RN based on the objective test was appropriate.

Whilst acknowledging that the hedge was dense, the Inspector did not consider that it had reached a height that significantly diminished the outlook from the property, particularly as there was an extensive open aspect to the south and east. Welsh Government guidance indicated that it was not reasonable for someone to expect to see beyond a hedge to a particular landscape and the hedge was not considered to have an oppressive effect on living conditions.

The Inspector also confirmed that the relevant Act only dealt with height rather than width as neighbouring properties had the right to cut overhanging branches back to the boundary. She did not accept that the appellant would struggle to cut back the upper third of the hedge and considered that

maintenance of the hedge up to 2.5 metres would allow plants to be maintained and grown and that the volume of debris falling from the hedge was likely to be low and part of normal garden maintenance.

Conclusion

The Inspector considered that whilst the height of the hedge was close to the AHH of 4.10 metres, the Council's response not to issue an RN was proportionate, striking a balance between the competing rights of neighbours. It was therefore concluded that the Council's decision was reasonable and appropriate and the appeal was dismissed.

(d) Enforcement Appeal Decisions

None

(e) April 2021 – March 2022 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	6	2	8	-
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		6 (75%)	2	8	
Committee Determination		-	-	-	-
Other Planning appeals (inc. appeal against a condition)		-	-	-	-
Enforcement Appeals	W	-	-	-	-
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		(0%)	-	-	-
All Appeals	W	6	2	8	-
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		6 (75%)	2	8	-

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 : **21 JULY, 2021**

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

2021/00393/TPO	A	Bramford Cottage, Brooklyns House, Turkey Street, Llantwit Major	Works to trees covered by Tree Preservation Order 10, 2007
2021/00555/TPO	A	The Mount, Windmill Lane, Llantwit Major	Work to Trees covered by TPO No. 3, 1977- Sectioning down and removal of one storm damaged Cedar tree (T1). Removal of various dead/poorly pruned branches on Cedar tree (T2)
2021/00590/TCA	A	18, Westward Rise, Barry	Works to Tree in Barry Garden Suburb Conservation Area: Ash tree in rear garden - Pollard back to main union, leaving lower growth
2021/00603/TPO	R	27, Pwll-Y-Myn Crescent, Peterston Super Ely	Works to trees covered by Tree Preservation Order No.2 of 1959: Removal of Two Scots Pine Trees (T1 and T2)

2021/00604/TCA	A	St. Hilary Church, Church Crescent, St. Hilary	Works to trees within the St. Hilary Conservation Area: Trimming back overgrown branches at West side of church and trimming of small tree on West wall of church
2021/00644/TCA	A	Huckleberry, Llysworney	Work to Trees in a Conservation Area: Removal of 1x Larch and 1x Cedar. Removal of easterly stem on Lleylandii which overhangs the B44268 highway and reduction in height up to maximum of 4 meters. All trees are located in the rear South East corner of the garden
2021/00709/TCA	A	Kings Hall, Wick Road, St. Brides Major	Work to Tree(s) in St Bride's Major Conservation Area: Sectioning down and removal of one Sycamore tree (T1); works to two mature Copper Beech trees (T2 and T3) - minor crown lifting, removal of dead wood and cross overs - reduction of branches overhanging property and grossly end loading
2021/00710/TCA	A	Fern Cottage, Llancarfan	Work to Trees in Llancarfan Conservation Area: Removal of two Apple trees (T1 and T2)
2021/00711/TCA	A	Flemingston Grange, Flemingston	Work to Trees in Flemingston Conservation Area: Re-reduction to previous points of a row of Sycamore trees (T1); Removal of minor branches off one Willow tree (T2)

2021/00720/TCA	A	Brynheulog, Llangan, Bridgend	Work to Trees in Llangan Conservation Area: Cypress hedge (HG1) and Bay tree (T1) - Remove section hedge group and grind stumps Total 2.1m in length to combat subsidence at Maes y Deri, Llangan
2021/00789/TCA	A	1 Manor Cottages, St Nicholas	Work to Tree(s) in a Conservation Area: T1- beech- reduce by 25% and shape

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **21 JULY, 2021**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. PLANNING APPLICATIONS

Background Papers

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

2016/00335/FUL Received on 13 April 2021

APPLICANT: Mr. Nigel Randall c/o Agent

AGENT: Mr. Gary Sutton DPP, Sophia House, 28, Cathedral Road, Cardiff, CF11 9LJ

Castell Talyfan Farm, Ystradowen, CF71 7SX

Retention of material change of use of land and buildings from agriculture to a mixed use comprising of agriculture and the storage, repair and sale of agricultural related plant and machinery together with ancillary office use

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 Michael Morgan (Independent Councillor for Llanbedr-y-Fro/Peterston-super-Ely Ward) on the grounds of public interest and objections raised by the Community Council.

EXECUTIVE SUMMARY

The site is a small complex of former agricultural buildings, in the countryside to the south east of Ystradowen. The application seeks planning permission to retain the change of use of the land and buildings, from agriculture, to a mixed use of agriculture and the storage, repair and sale of agricultural related plant and machinery, together with ancillary office use.

Objections have been received from residents and community councils, with the primary concern being the impact that large vehicles accessing the site would have on the safety and repair of the surrounding highway network. Highway Development have also raised some concerns, but have suggested conditions to mitigate the impact of the proposal to an acceptable level and ensure highway safety is maintained. Questions have also been raised about the potential impact on a nearby scheduled ancient monument, but no objection has been raised by either Cadw or Glamorgan Gwent Archaeological Trust. Letters of support for the proposal have been received from farmers in the area who use the services provided from the site.

The main issues to be considered are the principle of the proposed use in this countryside location; the visual impact of the development on the countryside; the impact on the residential amenities of neighbouring properties; and highway safety.

The proposed use is primarily (though not entirely) related to agriculture, so can be classed as an appropriate form of diversification of the rural economy, which is supported by Planning Policy Wales. The proposal re-uses unused barns and supports the development of small scale employment in the countryside, in a way which complies with policies MD11 (Conversion and Renovation of Rural Buildings); MD14 (New Employment Proposals), and MD17 (Rural Enterprise) of the Local Development Plan.

Any operational development, by way of repair and refurbishment, is considered to not require planning permission and/or to be immune from action due to time. Some of the vehicles associated with the proposed machinery business are stored outside. However, due to distances and screening, this has only a limited visual impact on the surrounding area. The distance to neighbouring dwellings, and the nature of the use, means that the proposal will have no significant impact on residential amenity.

The proposal is therefore considered to be acceptable in principle and in terms of visual impact and impact on residential amenity. In addition, the proposal has the beneficial effect of enabling the repair and reuse of previously disused rural buildings.

The proposal specifies a modest number of vehicle movements and access to the site by ordinary vehicles, as well as by 4x4 with a trailer, which is not considered to have an unacceptable impact on the highway network, subject to suitable conditions to control numbers and routing.

The main concern relates to the proposed use of larger trucks to transport equipment and machinery to and from the site and it is this element which has generated significant local concern. Whilst the concerns of residents and the community council are noted, it also has to be acknowledged that use of the site for purely agricultural purposes would not require planning permission and could generate the need for access by large vehicles, such as those used to transport cattle and service dairy operations.

Comments from Highway Development raised concerns regarding the largest of the proposed vehicles. However, Highway Development suggested a series of conditions which would mitigate the impact to an acceptable level to ensure the maintenance of highway safety and the free flow of traffic along the highway. The conditions would limit the weight of any vehicle accessing the site; as well as provide a mechanism to control vehicle numbers and access routes.

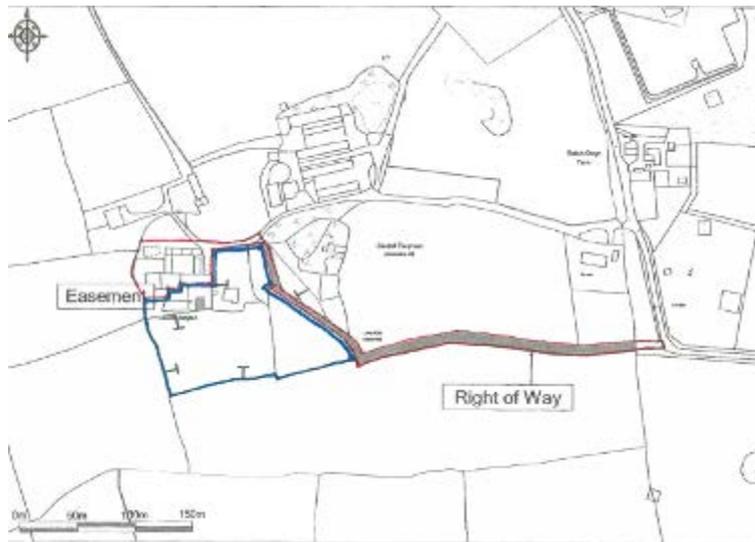
Taking all matters into consideration, and having regard to local and national planning policy, it is considered that the proposal preserves the character and appearance of the site and the surrounding area; protects the residential amenity of neighbouring properties; and does not have an unacceptable impact on highway safety, so should be approved, subject to conditions.

SITE AND CONTEXT

The site relates to a complex of disused former agricultural buildings. The buildings are predominantly old stone barns in a linked U shape, plus one detached larger more modern building. The site is located within the open countryside, approximately 600m (1km by road) to the south east of Ystradowen.

The surrounding area is predominantly countryside/agricultural land, with a small number of dispersed dwellings. To the north east of the site is a complex of large agricultural barns which are in use for cattle, as part of Talyfan Farm (of which the site used to form a part). The site is located approximately 55m to the west of Talyfan Castle, which is a Scheduled Ancient Monument.

Access is via a private track off Sandy Lane. A public right of way runs adjacent to the access track and through the wider site.

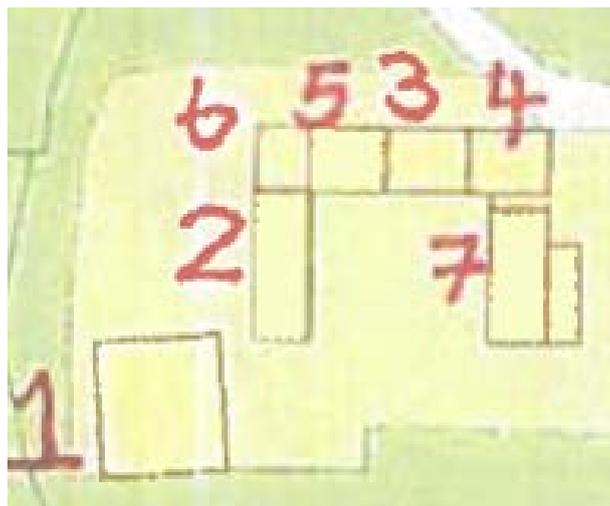


DESCRIPTION OF DEVELOPMENT

The application was originally submitted in 2016 as a result of an enforcement investigation, following complaints regarding works to the buildings and the operation of a machinery business from the site. However, following initial discussions, the application was not progressed by either the applicant or the planning authority. Revised and updated information was later submitted and the application was re-registered on 13 April 2021.

The site was formerly in agricultural use, but since 2015 has been used partly for agriculture, but also in relation to a plant and machinery business. This application therefore seeks planning permission to retain the material change of use of the land and buildings, from agriculture, to a mixed use comprising of agriculture and the sale, storage and repair of agricultural related machinery, together with ancillary office use.

The site layout, and the use for which permission is sought, is set out below.



Building 1 (200 square metres)

This more modern, detached barn, is used to store animal feed, timber, tools and equipment, in connection with the small scale agricultural use of the wider site (edged blue on the location plan). The small scale agricultural use includes a small herd of Alpaca, farmed for their fleece.



Building 2 (91 square metres) and Building 7 (80 square metres)

These refurbished stone barns are used primarily in connection with the pressing of apples from the small orchard on site and then the brewing and storage of cider. This is currently a small rural enterprise which the applicant states he intends to expand.



Building 3 (41 square metres) and Building 5 (44 square metres)

These refurbished stone barns are used as an office (building 5), primarily for the machinery business, but also for the administration of the agricultural and rural enterprise uses of the site. The internally linked building 3 provides toilet and small kitchen facilities for the office.



Building 4 (48 square metres)

This stone barn is used as a workshop for the machinery business.



Building 6 (60 square metres)

This two storey stone barn is used as storage for the machinery business.

Outside space around the buildings

Vehicles and machinery associated with the machinery business are stored in the courtyard to the front of buildings 3 and 5, and in the area to the west of building 6. This equated to approximately 300 square metres of space.



In summary, buildings 1, 2 and 7 represent 66% of the overall building floorspace at the site, and are used for purposes related to agriculture, agricultural diversification and rural enterprise. The remaining 34% of the building floorspace, in buildings 3, 4, 5 and 6, plus outside space adjacent to the buildings, is in use as part of the machinery business.

It is the material change of use, as set out above, which this application seeks permission to retain.

It is noted that at the time of the first planning enforcement site visit in 2015, a number of the buildings on site were in a poor state of repair. It was evident that buildings 3 and 5 had recently been repaired and refurbished, with a new roof, wooden cladding to the front, and replacement windows and doors. Subsequently, buildings 2 and 7 have also been refurbished and repaired. However, as the buildings are not listed, and have not been extended or the openings altered, this work is not considered to require planning permission. In addition, much of the work has now been in place for over 4 years, so is now immune from enforcement action. Therefore, this application does not consider any operational development at the site.

PLANNING HISTORY

2008/00272/FUL: Talyfan Farm, Ystradowen - Conversion of derelict farm barns to 3 domestic properties - Refused 06/06/2008 for the following reason:

“In the opinion of the Local Planning Authority the proposal, due to its isolated location and associated new works, represents the introduction of unsustainable new dwellings in the countryside, unjustified for agricultural or forestry purposes. The proposal will serve to urbanise the site and prejudice the use of adjoining agricultural land all to the detriment of the character and appearance of the surrounding countryside contrary to Policies ENV1 'Development in the Countryside', ENV8 'Small Scale Rural Conversions', ENV10 'Conservation of the Countryside', ENV11 'Protection of Landscape Features', ENV27 'Design of New Developments', HOUS3 'Dwellings in the Countryside', and Strategic Policies 2 and 8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on the Conversion of Rural Buildings and Sustainable Development; and national guidance contained in Planning Policy Wales March 2002.”

CONSULTATIONS

The original consultation letters were sent on 4 April 2016 to the following consultees.

Welsh St. Donats Community Council – They responded on 21 and 27 April 2016 raising concerns about the proposal in relation to the following:

- Seems to be a Cardiff based company looking for more space in a rural location
- Business activities relate to plant machinery which is not specifically agricultural
- Close proximity and prospective future development of the site in relation to the remains of a nearby historic castle
- Impact of heavy vehicles on the highway network and highway safety
- The number of heavy vehicles which would access the site – and that the estimates provided do not accord with residents experiences.

Penllyn Community Council – They responded on 18 March 2018 stating that the proposed change in use will result in an increase in the volume of heavy commercial vehicles using residential roads and will be intolerable to the residents of St. Owains Cr. and Sandy Lane, Ystradowen.

PSE Community Council – Did not respond to the initial consultation.

Local Ward Members – They responded on 19 April 2016 raising concerns that the road traffic infrastructure is not suited to the operations proposed by the applicant. In both 2016 and again in 2019, Councillors requested that the application be called in for consideration by Planning Committee if approval was to be recommended.

Council's Highway Development – Responded on the 8th July 2016 raising an objection to the development and stating that the change of use could result in an increase in the existing traffic generation along the adjacent highway, specifically by HGV's collecting/delivering plant and machinery to/from the site. In addition, it is noted that the highway network adjacent to the site is rural in nature and is not suitable for the use by HGV traffic, particularly through the village of Welsh St Donats. Furthermore, it is considered that the access to the site is substandard, as two vehicles cannot to pass side by side, leading to vehicles reversing on to and waiting on the adjacent highway, when gaining access, and based on the above, an objection is raised in relation to the highway and transportation aspects of the proposals.

Councils Public Rights of Way Officer – Responded on 7 April 2016 raising no objection to the development subject to the PROW area being kept open and available for safe use by the public as well as being kept free from materials and any resultant damage of the development is made good at their own expense.

Councils Environmental Health (Pollution) – Did not respond to the initial consultation.

Cadw, Ancient Monuments – Responded on 26 April 2016 stating that “the proposed change of use will not have an adverse impact on the Scheduled Monument. However, it is recommended that it is ascertained whether security fencing is proposed, which may potentially physically affect the Scheduled Monument and the setting of the site. Finally, there may also be undesignated historic assets that could be affected by the proposed development and, if you have not already done so, we would advise that you consult the Historic Environment Record held by the Glamorgan Gwent Archaeological Trust”.

Glamorgan Gwent Archaeological Trust - They responded on 26 April 2016 noting the proximity to the scheduled monument, but stating that due to the nature of the proposal, “there is unlikely to be an archaeological restraint to this proposed development and consequently, no objections are raised to the proposed development”.

National Grid Plant Protection – They responded on 22 April raising no objection.

Dwr Cymru Welsh Water, Natural Resources Wales and the **Council’s Ecology Officer** were also consulted but did not respond.

After the re-registering of the application in 2021, the following were re-consulted on 20 April 2021.

Penllyn Community Council – The clerk responded on 3 May 2021 stating that “My Council would reiterate its earlier objection that the proposed change in use will result in an increase in the volume of heavy commercial vehicles using inadequate residential roads and will be intolerable to the residents of St. Owains Cr and Sandy Lane , Ystradowen. In addition my Council would add that it is constantly requesting Vale Council's highways department to address the existing gridlock of traffic in St. Owains Cr. which is effectively a single track road due to residents parking, to date these requests have been to no avail regardless of the implications for residents and access by emergency services. My Council is also concerned that to approve this application could well set a precedent for further enlargement of this operation and other non-agricultural usage in the locality. As stated above any increase in traffic whatsoever would exacerbate an already intolerable situation”.

PSE Community Council – Have not responded to date.

Welsh St. Donats Community Council – They responded on 24 May 2021, objecting on the basis that “the movement of [trucks and low loaders to the site] causes a significant disruption to residents who have to negotiate cars, bicycles, horses and children safely round such vehicles, which travel down small lanes unsuitable for their size. Photographic evidence has previously been submitted to the Planning officers showing large vehicles of this type trying to go around tight corners and reverse up Watery Lane and the subsequent chaos and safety issues that this causes. These vehicles are significantly larger than the tractors etc which also use these lanes and to compare the two is simply not correct due to the size difference. Whilst we note that a restriction of 1 journey per month is proposed for the larger vehicles, we have no confidence that such a restriction could in fact be monitored and guaranteed, and that residents will therefore be left to monitor the situation themselves and report back any contraventions.

We note that the applicant foresees ‘limited growth’ in the agricultural machinery business over the coming years, but this seems at odds with the assertion that the profits made by the agricultural business will be used to promote other developments at the site. We also note that the company website advertises the hire and sale of construction machinery, and there seems to be no provision to apply any planning restrictions on this part of the business, which is also likely to develop and expand. As a rural CC we support appropriate rural enterprise, however we fear that the agricultural machinery and commercial business development of the applicant has the potential to expand despite restrictions proposed by Planning, which will be difficult to enforce, and as a result, local residents will face greater hazards and disruption on our small lanes in the future”.

Councils Highway Development were re-consulted on 13 May – They responded on 25 June 2021 stating: “The applicant has provided additional information with regard to the number of vehicles accessing the site and as stated in the covering letter dated 12th April 2021, there were 28 transactions and each transaction equates to 4 movements. The highway authority accepts that a large proportion of these sales do not travel to/from the site and around 14 of these are transported by 4x4 vehicles and trailers. There is however concern that the site is accessed by roads/lanes considered not suitable for larger vehicles or HGV’s. The highway authority would advise the following:

1. The larger vehicles up to 9.8m in length and can typically have a max weight of 27 tonnes should not be permitted to access the site due to the surround highway network not being suitable to cater for these vehicles. Each entry is often single track with no passing places or through rural villages.

Condition: Prior to the site being brought into use, no HGV vehicles or vehicles over 7.5t unladen vehicle weight shall be permitted to access the proposed site for the transportation of plant or machinery. Reason: in the interests of highway safety and to maintain the free flow of traffic along the highway.

2. The current levels of trip generation as stipulated in the recent covering letter should be conditioned such that these levels do not increase unless first agreed in writing by the local planning/local highway authority. This includes for maintenance, sales of plant, staff and visitors.
3. A traffic management plan shall be submitted to and approved in writing by the local planning authority. The traffic management plan should identify the proposed route for accessing the site. Thereafter the approved routes shall be used by all transportation vehicles in connection with plant and machinery to/from this site. Reason: in the interests of highway safety.
4. The proposed means of access to the site from the highway to the gate should be completed in bound material and widened to allow safe passage of two vehicles. Reason: to prevent mud/debris entering the highway and in the interests of free flow of traffic along the adopted highway”.

REPRESENTATIONS

Neighbouring properties were first consulted on 4 April 2016 and a site notice was also displayed on 12 April 2016. Objections were received from the residents of 13 dwellings (in some cases, individual occupants of the same dwelling made separate objections).

The objections raised the following issues:

- Increased traffic use on narrow country roads. Many commented that traffic had increased significantly in recent years due to housing development in the area and that this proposal would increase traffic still further.
- Increased traffic leading to safety concerns for walkers/cyclists/horseriders, particularly as there is no footway.
- Road unsuitable for use by heavy vehicles, leading to damage to the roads and verges.
- That the proposed use should be on an industrial estate and was not suited to a rural environment.

- That the proposal and the increase in heavy vehicles would have a negative impact on wildlife and archaeology in the area.

Neighbouring properties, along with all those who had commented initially, were re-consulted on 20 April 2021. Objections have been received from the residents of 5 dwellings, with separate responses received from a couple at one of those dwelling.

The objections raised the following issues:

- The approach along Sandy Lane from Ystradowen is very narrow, with a lack of passing places, with a blind hump at the top of the hill just before Bordervale Nursery and a blind bend just past Bordervale Nursery. These already pose a problem for drivers in smaller vehicles as vision is severely impeded. This will be worse for large vehicles transporting vehicles to the site and it is only a matter of time before a serious and/or life threatening accident will happen.
- The quality of the road surface on the lane is poor and will need to be relaid and strengthened if heavy vehicles are to use it.
- The large vehicles will pose a danger to walkers and cyclists who use this route to get to Hensol Forest.
- There is a heavy flow of traffic from the new housing developments in Ystradowen through this lane already and cars parking on the side of the road along St Owain's Crescent and Sandy Lane limit the access to large vehicles and cars coming from the opposite direction.
- The road through the village of Welsh St Donats is also narrow and the polluted air and noise from heavy plant through the village is a threat to the health and well being of the residents.
- Many people in Ystradowen have suffered during this pandemic by having to stay at home - older people / people isolating. Now as things turn a corner, confidence is increasing and more people are using Sandy Lane to enjoy the countryside to help wellbeing. It would be such a shame and detrimental if local people felt unable to enjoy their own environment due to the worry and danger of heavy plant appearing from around the next bend.
- The increase in heavy traffic is a particular danger to the elderly and young children
- We have noticed that much of the natural landscape has already been destroyed by the removal of hedgerow and trees near to the access of the farm. There are a significant number of rarer birds and wildlife in the area.
- There could be an impact on archaeological remains.
- This sort of activity should be restricted to industrial site rather than a quiet country farm.

Letters of support have been received from 3 local farms, one in Ystradowen, one in Welsh St Donats and also from Penllyn Estates. They state:

- They provide service and repair support for our tractors and equipment, in addition to supplying some of our machinery requirements on the farm. A good breakdown service is essential to us and their swift local response is critical.
- I can confirm that they have been invaluable to my farming business in the last two years. As a first generation farmer starting from scratch with limited funds, I currently run some ageing equipment and the service provided has got me out of trouble on many an occasion. This has helped me to ensure that my cattle welfare standards are maintained.

- It is vital to my business and many other agricultural businesses in the locality that they are based at Talyfan Farm because of the out of hours support. Agriculture is not a nine to five business.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

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

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD7 - Environmental Protection
POLICY MD8 – Historic Environment
POLICY MD11 - Conversion and Renovation of Rural Buildings
POLICY MD14 - New Employment Proposals
POLICY MD17 - Rural Enterprise

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

Policy 1 – Where Wales will grow

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

Policy 4 – Supporting Rural Communities

- Supports sustainable and vibrant rural communities.

Policy 5 – Supporting the Rural Economy

- Supports sustainable, appropriate and proportionate economic growth in rural towns.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application. The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales,

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

Chapter 3 - Strategic and Spatial Choices

- Placemaking in Rural Areas
- Development in the Countryside (including new housing)

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 6 – Planning for Sustainable Rural Communities
- Technical Advice Note 23 – Economic Development

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Design in the Landscape

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

In assessing the proposal to retain the machinery business at the site against the above policies and guidance it is considered that the main issues relate to the principle of the proposed use in this countryside location; the visual impact of the development on the countryside; the impact on the residential amenities of neighbouring properties; and highway safety.

Principle of the proposed use

Both Planning Policy Wales and Technical Advice Note 6: Planning for sustainable rural communities, seek to promote the re-use of rural buildings.

PPW states that "*Planning authorities should adopt a positive approach to diversification projects in rural areas. Additional small business activities can often be sustainably located on farms and provide additional income streams. Diversification can strengthen the rural economy and bring additional employment and prosperity to communities. Diversification activities come in many forms and include both agricultural and non-agricultural activities.... These schemes should be supported where there is no detrimental impact on the environment and local amenity*" (5.6.10 & 13).

TAN 6 states that "*Planning authorities should support the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need to travel for employment. The development plan should facilitate diversification of the rural economy by accommodating the needs of both traditional rural industries and new enterprises, whilst minimising impacts on the local community and the environment*" (3.1.2). It goes on to say that "*Many economic activities can be sustainably located on farms. Small on-farm operations such as food and timber processing and food packing, together with services (e.g. offices, workshop facilities, equipment hire and maintenance), sports and recreation services, and the production of non-food crops and renewable energy, are likely to be appropriate uses*" (3.7.2).

It is therefore necessary to consider if the proposed business use can be classed as an appropriate form of diversification to benefit of the rural economy.

As set out in the description of development, 66% of the overall building floorspace at the site is used for purposes directly related to agriculture, agricultural diversification and rural enterprise, with 34% of the building floorspace, plus outside space adjacent to the buildings, being in use as part of the machinery business. Whilst the majority of building floorspace is still used for agricultural/rural enterprise related uses, these uses are currently small scale and the majority of the financial turnover for the site comes from the business use. The agricultural use does not require permission, so it is the principle of a mixed use, comprising agriculture and the machinery business, which needs to be considered.

In the updated planning statement dated 12 April 2021, the applicant has provided details on the scale and nature of the machinery business use and confirmed that it currently supports three full-time jobs and one part time job. Copies of the financial accounts for the business have also been provided. These have been kept on file but not made public at the request of the applicant. The machinery business comprises 2 main elements, as set out below.

A – Machinery sales, and the associated repair and storage prior to sale:

- Activity takes place on site
- Contributes approximately 70% of overall business profit
- The machinery is sold to a mix of agricultural (79%) and non-agricultural (21%) clients (figures based on 2019)
- The majority (55%) of clients are based in South and Mid Wales
- There are no plans to expand this element of the business and the scale is constrained by the size of the site workshop and storage areas.

B – Machinery maintenance and repair service:

- Activity takes place off site, at client farms
- Contributes approximately 30% of overall business profit
- The machinery worked on is used for agriculture or agricultural contracting
- The majority of the clients are located in the local area
- There are plans to expand this element of the business.

Combining together the maintenance and repair element, which is agricultural in nature, and the agricultural related proportion of the sales element, the applicant has stated that this accounts for 85% of turnover for the business. This means that around 15% of business activity is unrelated to agriculture.

The maintenance and repair element of the business is considered to be an appropriate and straightforward form of rural diversification and the rural location provides easy access to agricultural clients in the area. With regard to the machinery sales element of the business, this needs to be considered in two parts. The applicant states that the majority of sales are to agricultural clients, and whilst a countryside location is not essential for a business selling agricultural related machinery, it is not unreasonable to conclude that a rural location for such sales can be considered as a form of rural diversification. Indeed, TAN 6 specifically lists offices, workshop facilities, equipment hire and maintenance as suitable forms of farm diversification.

By contrast, the sale of machinery to non-agricultural clients would not generally be considered a rural diversification, and a countryside location is not required, with such businesses more typically being located in industrial estates and edge of settlement sites. However, the non-agricultural part of the machinery sales business is subordinate to the

agricultural sales. In addition, PPW does not rule out non-agricultural activities as part of a rural diversification, provided there is no detrimental impact locally.

PPW also states that *“Whilst every effort should be made to locate diversification proposals so they are well-served by public transport, it is recognised that certain diversification proposals will only be accessible by car”* (5.6.11). By virtue of the nature of this business, access by private vehicles, rather than public transport, would be the norm, regardless of the location.

With regard to local plan policies, SP1 and MD1 seek to ensure that development has no unacceptable impact on the countryside, but that new enterprises are promoted where appropriate. The visual impact of the proposal on the countryside is considered later, but as set out above, on balance, the principle of the proposed business enterprise is considered appropriate for the site.

Policies MD1 and MD7 seek to protect the best agricultural land and prevent any increase in flood risk. This proposal does not involve any new operational development, so there is no impact on either agricultural land or flood risk.

Policy MD 11 supports the conversion or renovation of existing rural buildings for rural enterprise, where conversion would not give rise to the need for a replacement building, and where reuse can be achieved without substantial reconstruction, extension or alteration.

In addition, the supporting text states that *“For both traditional and modern rural buildings, the Council will favour reuses which can make a positive contribution to the rural economy, such as rural enterprises, farm and craft shops, small scale commercial and light industrial enterprises”*. The re-use of these previously disused barns did not necessitate any replacement buildings, nor did it require any substantial works beyond refurbishment and repair. The business contributes to the rural economy and can be classed as a light industrial enterprise.

Policy MD 17 supports the development of small scale employment uses that promote rural enterprise, where the proposal is located within a minor rural settlement; or is part of a farm diversification scheme; or involves the conversion of an existing rural building in accordance with policy MD11.

In addition, the supporting text states that *“many of the traditional sectors of rural employment.. are in decline. The Council recognises that in order to breathe new life into the rural economy it is necessary to maximise the opportunities for small scale, sustainable employment to take place outside the larger settlements. The promotion of economic development which promotes rural enterprise and diversification in the rural Vale is therefore an essential element of the Strategy”*.

In this case, the proposal is for a small scale employment use, but is located outside of a minor rural settlement. However, as set out above, the proposal can be considered to be a farm diversification scheme, and does comply with policy MD11.

Policy MD14 allows for new employment proposals on non-employment sites in the countryside, provided the proposal is for a rural enterprise where a rural location is justified. As set out above, whilst not all of the business use can justify a rural location, the majority of its can, and given the modest scale of the employments use, this is considered sufficient to meet the requirements of MD14.

Policies SP10 and MD8 aim to protect important archaeological features. Whilst the site is within close proximity of a scheduled ancient monument, the proposal is not considered to have a detrimental impact on this feature and neither Cadw nor Glamorgan Gwent Archaeological Trust have raised any objections.

Taking all of the above into account, on balance, the principle of the proposed mixed use at the site is considered acceptable, with regard to both national and local planning policy, subject to consideration of the visual impact, and the impact on residential amenity and highway safety.

Visual impact

Policy MD2 requires that development is well designed and of a scale, form, layout and character that respects its setting.

As set out above, any operational development, by way of repair and refurbishment of the stone barns, is not considered as development and/or is now exempt from action. However, it is noted that the works have been undertaken in a manner which are largely sympathetic to the style and design of the original barns and the refurbishment and repairs have brought the old stone barns back into a usable condition, without having a detrimental visual impact on the site or its surroundings.

Some of the vehicles associated with the machinery business will be stored outside, and whilst the site is over 350 metres from the highway, much of the site is visible from Public Right of Ways (PROW). However, the courtyard is screened from the PROW to the north by the buildings themselves, and the PROW to the south is at least 70 metres away from a vehicle storage site. In addition, the scale and nature of the vehicles is not considered to be significantly out of keeping with an agricultural setting. Consequently, the proposed change of use is considered to have only a limited visual impact on the surrounding area and is not detrimental to the character or appearance of the countryside.

However, this assessment is based on the current level of use and operation. To ensure no increase in visual impact over time, it is necessary to control the number of vehicles that can be stored on site at any one time, and the areas in which that can be stored, can be controlled by condition (**Condition 8 refers**).

Impact on neighbouring residential amenity

Policies MD2 and MD7 seeks to safeguard existing public and residential amenity.

Other than the dwelling of the applicant, which is adjacent to the site, the nearest dwelling is over 300 metres away from the main site (60 metres from the entrance and access track). There are only 5 dwellings within 500 metres of the main site, and a further 3 within 500 metres of the entrance and access track. Given these distances, and the nature of the proposed use, the proposal is not considered to have a detrimental impact on neighbouring residential amenity by way of overlooking, overbearing, noise or odour.

Impact on Highway safety

Policy MD2 requires that development has no unacceptable impact on highway safety.

There would be a modest number of business related journeys in standard vehicles associated with staff and customers visiting the site, but this is not considered to have a negative impact on the surrounding highway network.

With regard to the access, there is an intercom at the site gate to control access to the private track, and the site has sufficient space for vehicles to pass and turn on site, away from the public highway, ensuring they can enter and exit in forward gear. However, further detail on these arrangements can be required by condition which will form part of a Traffic Management Plan (**Condition 2 refers**).

The updated planning statement specifies that in terms of vehicle movements, based on an average year with some scope for flexibility, and with a trip out counting as one journey and the return trip in counting as another journey, there would be approximately:

- 72 vehicle journeys per annum using a 4.4 metre trailer towed by a Land Rover or similar 4x4 vehicle, which equates to 6 journeys a month
- 24 vehicle journeys per annum using larger vehicles, which equates to 2 journeys a month.

A 4x4 with a trailer is not an unusual vehicle in a rural setting, and the number of such vehicle movements will be modest. Therefore, the impact of these vehicle movements on the highway network, in terms of safety, congestion, and maintenance is not considered to be significantly harmful, subject to suitable conditions to control numbers and routing which would form part of the Traffic Management Plan (**Condition 2 refers**) and that vehicle journeys would not exceed the numbers set out in the planning statement submitted on 13/4/2021 (**Condition 5 refers**).

The main concern relates to the movement of the larger vehicles, and it is this element which has generated significant local concern. Whilst the concerns of residents and the Community Council are noted, it also has to be acknowledged that were the site in use purely for agricultural purposes (which would not require planning permission) it could also generate the need for access by large vehicles, such as those used to transport cattle and service dairy operations. In addition, the number of larger vehicle journeys to the site, generated by the proposed use, is small.

Comments from Highway Development Team raised concerns with regard to the roads around the site not being suitable for the largest of the proposed vehicles. They stated that vehicles of 9.8 metres in length (which the application proposes as the maximum vehicle size) can weigh up to 27 tonnes, and that the highway network surrounding the site is not suitable to cater for such vehicles. However, the Highway Development Team have stated that if the weight of any vehicle accessing the site was limited to no more than 7.5 tonnes, taken as the unladen weight of the vehicle, then this would mitigate the impact on the highway to an acceptable level. It is therefore considered that the specified weight limit proposed by Highway Development can be controlled by condition. (**Condition 4 refers**), which shall take immediate effect on the grant of planning permission.

In addition, the scale of the machinery sales element of the business, which generates the need for the larger vehicles, is also constrained by the site (as set out previously). This constraint on the scale of the business will inevitably also limit any increase in larger vehicle movements.

In addition to restricting the size of vehicles which can access the site, the Highway Development Team have also suggested conditions to manage the number of vehicle journeys, the route, and access arrangements. Conditions can be imposed on the granting of planning permission which will require the applicant to:

- Submit a Traffic Management Plan for approval (**Condition 2 refers**), setting out:
 - routes to and from the site
 - arrangements to ensure the routes are complied with
 - arrangements for vehicles to pass and turn on site to ensure all entry and exit is in forward gear
- Not exceed the number of vehicle movements stated in the application (**Condition 5 refers**).
- Keep a log of vehicle movements which the planning authority can request to inspect at any time (**Condition 6 refers**),
- Provide and maintain a suitable access. (**Condition 3 refers**),

In summary, it is acknowledged that the movement of vehicles to and from the site will have an impact on the local highway network. However, through the imposition of conditions, as suggested by Highway Development, the impact can be mitigated to an acceptable level to ensure the maintenance of highway safety and the free flow of traffic along the highway.

Other matters

Concerns have been raised that if the proposal is approved it will then allow the applicant to expand his current machinery sales use at the site. The applicant has stated that he does not plan to expand the sales part of the business and it is possible to control the scale of the business, and hence prevent future expansion, by adding conditions to any planning permission which may be granted, to specify which buildings and outside areas can be used as part of the machinery business (**Condition 8 refers**). In practical terms, the site does not lend itself to a more intensive machinery sales use as the workshop in building 4 will only accommodate one vehicle being worked on at a time. In addition, it is also necessary to control the use (**Condition 7 refers**), to ensure that the buildings and land are not used for any other purposes than those specified in the application, and for no other purpose, including any other purpose in class B1 (Business), B2 (general Industrial) or B8 (Storage and distribution) of the schedule to the Town and Country Planning (Use Classes) Order 1987.

It should also be considered that the buildings subject to this application had been disused for some time and were in a poor state of repair. Buildings 2 to 7 are of a scale and design which makes them less suited to the needs of modern agriculture and conversion to residential use had been considered and refused due to the unsustainable location for new housing. The business use which is proposed for retention has therefore enabled the repair and beneficial reuse of these rural buildings.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development shall be carried out in accordance with the following approved plans and documents:
 - Site location plan – Submitted 22/3/2016
 - Layout plan with buildings numbered – Submitted 22/3/2016
 - Updated planning statement, dated 12 April 2021 – Submitted 13/4/2021

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.

2. Within 3 months from the date of this permission, a traffic management plan shall be submitted to the Local Planning Authority. The traffic management plan shall include details of routes to be used to travel to and from the site in relation to the machinery business; timings for site deliveries; arrangements to ensure approved routes are communicated and complied with; and arrangements for vehicles to pass and turn on site to ensure all entry and exit is in forward gear. The traffic management plan shall be approved in writing and thereafter, use of the site shall be in accordance with the approved traffic management plan.

Reason:

To ensure that highway safety in the area is not adversely affected and to meet the requirements of policies MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

3. Within 3 months from the date of this permission, the section of the access track between the adopted highway and the entrance gate shall be surfaced in bound material and laid out to allow safe passage of two vehicles.

Reason:

To prevent material from the track entering the highway and in the interests of the free flow of traffic along the adopted highway, and to meet the requirements of policies MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

4. No vehicle in excess of 7.5 tonnes when unladen shall be permitted to access the site at any time, in connection with the machinery business use.

Reason:

To ensure that highway safety in the area is not adversely affected and to meet the requirements of policies MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

5. The number of vehicle journeys to and from the site in relation to the machinery business use, shall not materially exceed the numbers set out in the planning statement submitted on 13/4/2021.

Reason:

To ensure that highway safety in the area is not adversely affected and to meet the requirements of policies MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

6. A log of vehicle journeys to and from the site in relation to the machinery business use shall be kept and the records retained for a period of no less than one year. The log shall be made available to the Local Planning Authority within 10 days of being requested.

Reason:

To ensure that highway safety in the area is not adversely affected and to meet the requirements of policies MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

7. The site shall be used only for the purposes as specified in the application, and for no other purpose, including any other purpose in class B1 (Business), B2 (general Industrial) or B8 (Storage and distribution) of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of MD1 (Location of New Development); MD2 (Design of New Development); MD7 (Environmental Protection); of the Local Development Plan.

8. No more than 15 vehicles or machines related to the machinery business use shall be stored on site at any one time, including inside and outside areas. Only buildings 3, 4, 5 and 6 shall be used in relation to the machinery business, and only for the purposes as set out in the planning statement submitted on 13/4/2021.

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of MD1 (Location of New Development); MD2 (Design of New Development); MD7 (Environmental Protection); of the Local Development Plan.

9. Activity which is not directly related to agriculture or rural enterprise shall not exceed 25 percent of total turnover generated by the use of the site as a whole.

Reason:

To control the precise nature of the use of the site and to ensure compliance with the terms of MD1 (Location of New Development); MD2 (Design of New Development); MD7 (Environmental Protection); of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to policies SP1 (Delivering the Strategy); SP10 (Built and Natural Environment); MD1 (Location of New Development); MD2 (Design of New Development); MD7 (Environmental Protection); MD8 (Historic Environment); MD11 (Conversion and Renovation of Rural Buildings); MD14 (New Employment Proposals); and MD17 - Rural Enterprise, of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and Future Wales – the National Plan 2040 and the Council's Supplementary Planning Guidance on Design in the Landscape, it is considered that the proposal preserves the character and appearance of the site and the surrounding area; protects the residential amenity of neighbouring properties; and does not have an unacceptable impact on highway safety.

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

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

NOTE:

- 1. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**

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.

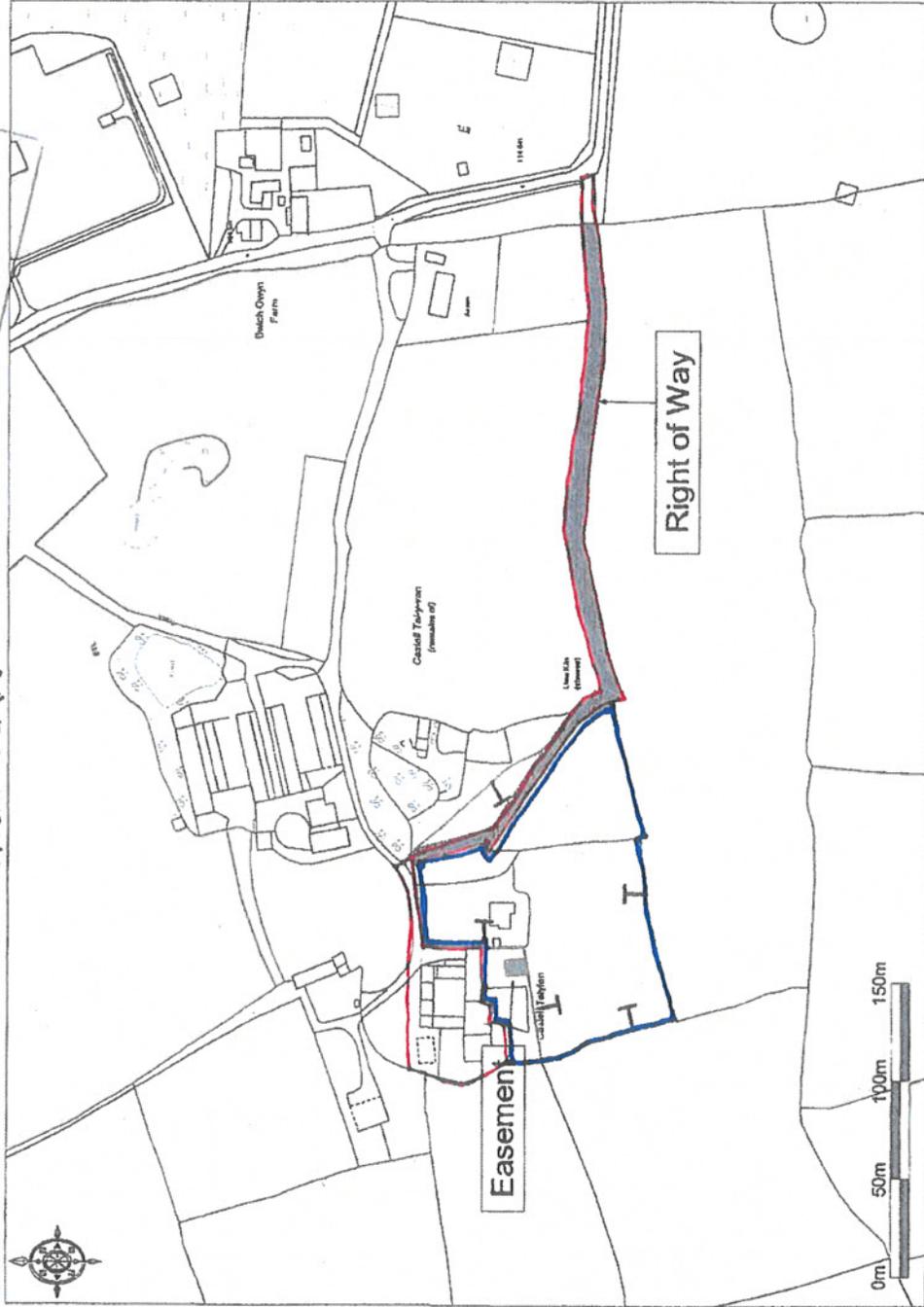
In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

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.

RECEIVED
22 MAR 2016
Regeneration
and Planning

SITE LOCATION PLAN



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2021/00020/FUL Received on 27 April 2021

APPLICANT: Mr and Mrs Markos and Markella Asprou 3, White House, Barry, CF62 6FB
AGENT: Mr Tasos Asprou 1010 Architects, Studio 2, The Coach House, Stanwell Road, Penarth, CF64 3EU

3, White House, Barry

AMENDED PLANS AND DESCRIPTION: Single and two storey extensions to the front and rear of property to include annex; single storey extension to the side, including material and other alterations. Rear terrace and alterations to front boundary treatments. Internal alterations.

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 Steffan William for the following reasons:

- i) The overbearing nature and scale of the proposed extension and its effect on the neighbouring properties,
- ii) That it is in a conservation area and the proposed works are out of character with the other properties that form the White houses at the Knap.
- iii) The reduction in the property's amenities space that this development would cause. The proposed plans would increase the size of the property significantly. A bigger house needs a bigger plot accordingly in which to contain it.

EXECUTIVE SUMMARY

The application relates to 3, White House, a detached dwelling located within the Barry Marine Conservation Area. Permission is sought for front and rear extensions – in addition to other alterations.

Objections have been received by three neighbours, raising concerns such as overdevelopment, overbearing impacts and overlooking, amongst other concerns. Barry Town Council have also objected to the proposals.

On balance, the proposals are considered acceptable, and the application is recommended for approval.

SITE AND CONTEXT

The application relates to 3, White House, a detached dwelling located within the Barry Settlement Boundary. The property is located within the Barry Marine Conservation Area and the streetscene contains dwellings of varying designs and scale, albeit the overall style and character (including the materials) is consistent.



DESCRIPTION OF DEVELOPMENT

Consent is sought for single and two storey extensions to the front and rear of property to include an annex, and a single storey extension to the side. Alterations to the side boundary wall are also proposed, in addition to internal alterations.

The proposed first floor extension on the front of the property would be approximately 4.2m deep and would have a ridge height approximately 1m shorter than that of the ridge on the existing dwelling. This element would be approximately 3.5m wide and would have a matching eaves height with the existing dwelling. Below, the ground floor element would be part covered walkway and part accommodation, with that latter section having a depth of approximately 2.2m.

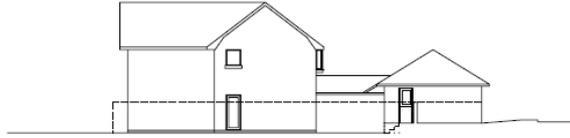
A two storey extension is also proposed on the south-eastern corner, approximately 3.7m deep and flush with both the front and side elevations of the existing dwelling. The proposed extension would continue the existing roof slope on the eastern elevation with matching eaves.

A rear extension on the ground floor would be approximately 4m deep and would have a matching eaves height with the remainder of the dwelling and a ridge height of approximately 5.9m – providing additional first floor space above.

A new clad fence is also proposed to run alongside the property along the boundary with number 5 White House, (to a point approximately 0.7m away from the pavement at the front).



SOUTH FACING



WEST FACING



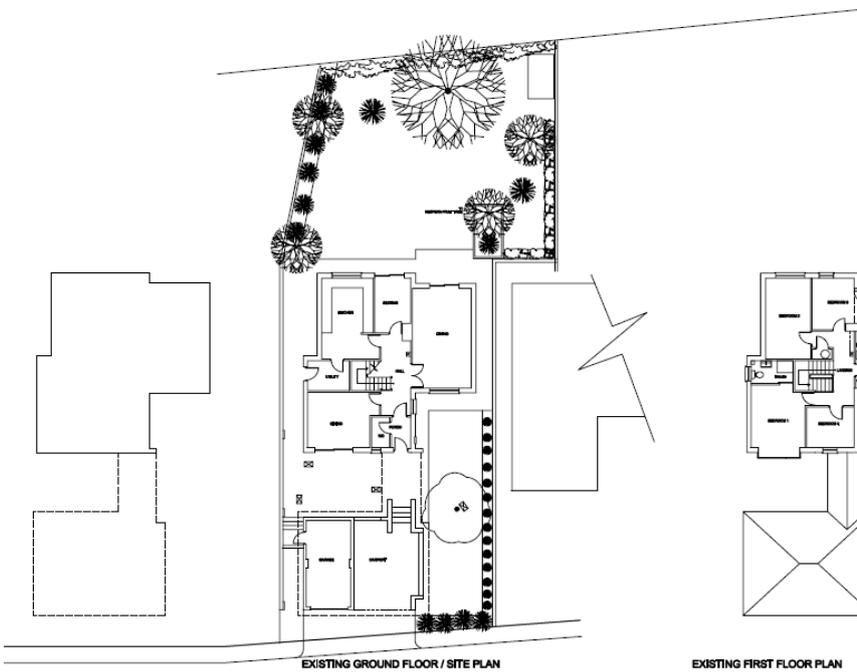
SOUTH FACING FROM HIGHWAY



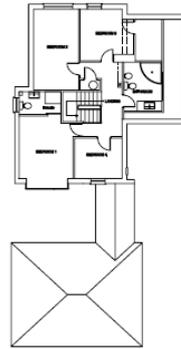
EAST FACING



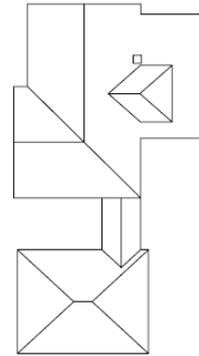
NORTH FACING



EXISTING GROUND FLOOR / SITE PLAN

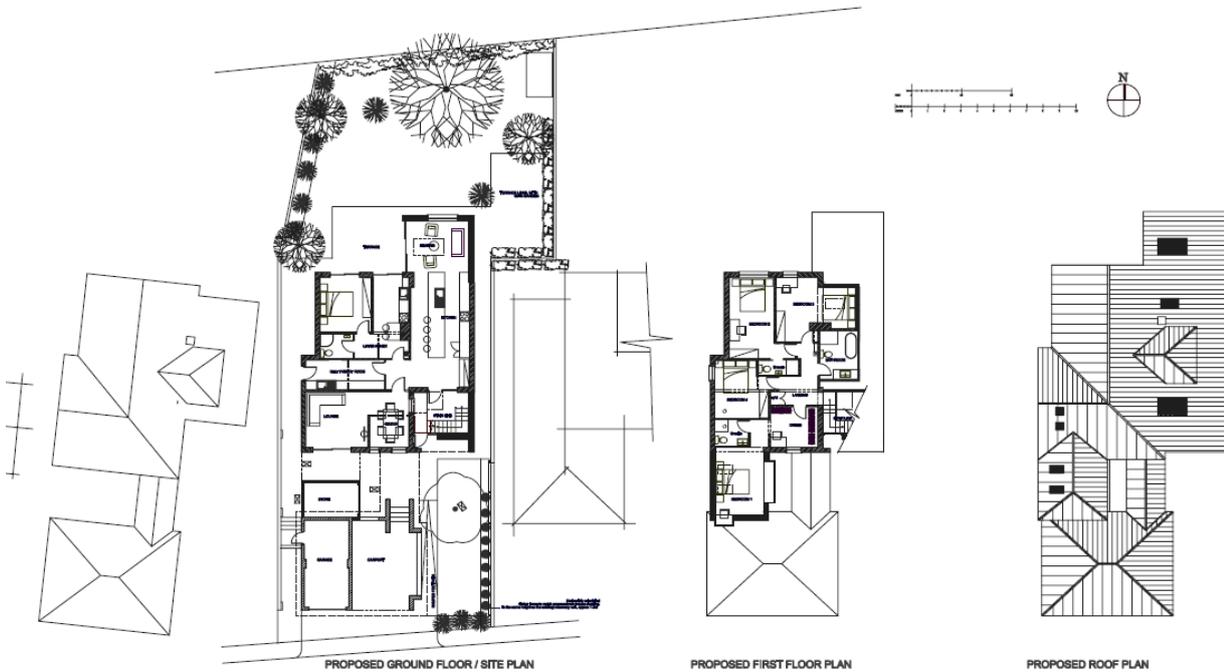


EXISTING FIRST FLOOR PLAN



EXISTING ROOF PLAN

- Material Key:**
1. Glass glazing to match existing
 2. Hardwood timber windows and doors to match the existing, painted grey RAL 7033
 3. Timber frame windows to match existing
 4. Hardwood (arch) vertical timber cladding
 5. Hardwood cladding
 6. Hardwood cladding to match existing, painted black
 7. Hardwood cladding to match existing
 8. Hardwood cladding to match existing
 9. Hardwood cladding to match existing
 10. Hardwood cladding to match existing
 11. Hardwood cladding to match existing
 12. Hardwood cladding to match existing
 13. Hardwood cladding to match existing
 14. Glass glazing as existing



PLANNING HISTORY

1981/00630/OUT, Address: The White House, Cold Knap Way, Barry, Proposal: Land to be used for residential purposes (private) erection of 24 luxury dwellings with integral garages in grouped landscaped courts, Decision: Approved

1982/01363/FUL, Address: The White House, 24, Cold Knap, Barry, Proposal: Proposed residential development 12 no. dwellings with carports/garages, Decision: Approved

1985/00495/FUL, Address: White House Site, Cold Knap, Barry, Proposal: Residential development, Decision: Approved

1987/00625/FUL, Address: 3, White House, Cold Knap, Barry, Proposal: Erection of a balcony, Decision: Approved

1990/00002/FUL, Address: Land at White House, The Knap, Barry, Proposal: 14 no. linked 2 bedroom and 3 bedroom cottages, Decision: Approved

2007/00099/TCA, Address: 3, White House, Barry, Proposal: Work to trees, Decision: Finally Disposed of

2016/00006/TCA, Address: 3, White House, Barry, Proposal: The removal of a mature Cherry tree located in the front garden of the site. Reason for removal due to excessive root growth damaging the underground drainage, Decision: Approved

CONSULTATIONS

Barry Town Council were consulted and commented to state that *“Barry Town Council strongly objects to the amended plans as the proposed development is due to scale and design appear to be an overdevelopment of the dwelling which would adversely impact upon privacy and amenity of the neighbouring house.”*

Baruc Ward Members were consulted and an objection has been received from Cllr Steffan William as follows:

- i) The overbearing nature and scale of the proposed extension and its effect on the neighbouring properties,*
- ii) That it is in a conservation area and the proposed works are out of character with the other properties that form the Whitehouses at the Knap.*
- iii) The reduction in the property’s amenities space that this development would cause. The proposed plans would increase the size of the property significantly. A bigger house needs a bigger plot accordingly in which to contain it.*

REPRESENTATIONS

The neighbouring properties were consulted.

To date, comments have been received by three neighbours. A summary of those comments are as follows:

- Proposals would enclose the garden and patio
- Loss of light to habitable room windows and patio etc.
- Loss of outlook
- Proposals would be oppressive on habitable room windows
- Detrimental to health and wellbeing
- Overshadowing concerns
- Overlooking concerns
- Concerns regarding black glazing
- Overdevelopment which could set a precedent
- Concerns regarding parking
- Concerns regarding interruptions during the construction phase
- Trees would be impacted
- Disregard to local policy and consultation process

- No other developments such as this in the area
- Extension is not needed
- Proposals do not comply with the '45 degree rule'
- Concerns regarding new fence at the front of property – out of context
- Concerns that proposal is for a house of multiple occupation
- Subjectivity has been used to favour the applicant
- Comments of objection have been dismissed
- Issues regarding decision making process

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP10 – Built and Natural Environment

Managing Development Policies:

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD8 - Historic Environment

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

Future Wales: The National Plan 2040:

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

Planning Policy Wales:

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

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

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

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Parking Standards (2019)
- Residential and Householder Development (2018)
- Trees, Woodlands, Hedgerows and Development (2018)
- **Barry Marine** Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- 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 primary issues to consider are the potential impact upon the character of the property and the conservation area, as well as the potential impact upon the amenity of neighbouring residential properties.

Design and Visual impact

The proposed extensions at the front of the property would be highly visible from the street to the front.

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

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

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

The location of the property within a conservation area also adds additional requirements to ensure that a proposed development does not detrimentally impact upon the character of the conservation area. Development proposals in such areas should either preserve or enhance the character of the conservation area.

The proposed first floor extension on the south-western corner of the property would project past the existing first floor front elevation by approximately 4.2m and would have a matching eaves height with the existing dwelling. However, the proposed ridge would be approximately 1m shorter than that on the main dwelling. It is notable that there is not a particularly clear and consistent 'building line' along the street, with the series of front elevations being 'staggered' from one another, and many with garages/car ports to the front. The front elevation for number 3 is set back approximately 1-1.5m from the front elevation of number 1 and the neighbour at number 7, Cold Knap Way has a side elevation that is approximately 6.5m closer to the footway on White House than number 3. The proposed extension would be visible along White House, however, due to the relatively staggered nature of the frontages, and the relative mix to the design/composition of front elevations in the street as a whole, it is considered that such an extension, while visibly altering the front elevation, would not be out of context with the remainder of the street and would not appear visually incongruous by reason of its depth and size. In addition, the reduced ridge height would ensure that the proposed extension appears as a subservient addition to the property, and this kind of relationship (albeit original in these other cases) is evident on other dwellings in the vicinity.



13 and 31 White House (image from Google maps)

The proposed south-eastern front extension is considered to be of a modest scale and would be sympathetic to the style and character of the existing property, with matched eaves height etc. It is therefore considered that this element would be subservient and would not adversely affect the character of the dwelling or conservation area.

The application includes a new horizontal fence along the side boundary with number 5 White House. While this would in some case be permitted development, the conditions on the original planning permission restrict new enclosures. In this case, given the character of the street scene and the openness of the fronts of curtilages (save for natural landscaping) it is considered that the fence would fail to preserve the character of the conservation area. Consequently Condition 6 omits this from the scope of development that is recommended for approval.

The proposed extensions at the rear would be partially visible but given the distance from the adopted highway would not have an appreciable impact on the streetscene. Notwithstanding this, the proposed rear alterations are considered to be acceptable in terms of design and scale.

The proposals initially sought the introduction of darker windows (the glazing itself), however, it was considered that such a feature would be at odds with the existing character of the property and wider streetscene. This feature has now been removed from the proposals.

The proposed materials would mostly match the existing dwelling, with the exception of a dark cladding, which would be used on a section of the rear extension and the ground floor extension at the front. Whilst such a material is not currently found within the immediate streetscene, it is considered that the proposed dark colour would be sympathetic to the existing style of dwelling (i.e. with dark window frames and garage doors etc.) and would not be highly prominent in any case. As such, with the addition of a condition seeking a sample of the material, it is considered that its introduction on number 3 would not be

detrimental to the wider conservation area. Notwithstanding this, it is proposed on a modest section of the proposals and would not be obtrusive within the streetscene.

The comments and concerns from both neighbours and Barry Town Council regarding design have been taken into consideration. In particular, objections have been raised in respect of an asserted failure to comply with the Council's Residential and Householder Development SPG. While this SPG is a material consideration, it is guidance and cannot be applied in a 'blanket' way to all proposals. The SPG states as follows:

8.7.1. Extensions to the front of properties will usually be prominent in the street scene and therefore require careful design, particularly in terms of scale and massing.

8.7.2. Key principles:

- i. Established building lines should be respected.
- ii. Two storey developments will in many cases not be acceptable; however this will depend on the context of the site.

However, in this case, for the reasoning given above, the development would not be harmful to an established building line. The SPG acknowledges that the acceptability of such an extension will depend on the context of the site, and in this case an extension of that form is considered acceptable. The development is therefore consistent with the aims and guidance in this SPG.

Given the above, it is considered that the proposed development is considered acceptable and would not be to the detriment of the character of the streetscene or wider conservation area. It is therefore considered the proposals comply with policies MD2, MD5, MD8 and SP10 of the Council's LDP in respect of design and visual impact.

Amenity space

The proposals would result in the loss of amenity space at the front and rear of the property. However, it is considered that the remaining amenity space is sufficient to serve the needs of the occupants.

Parking

The existing property has a driveway / carport at the front and a single garage. The proposals would have no impact on either. The existing property has 4 bedrooms and the proposals would have no impact on the number of bedrooms to be provided – albeit the proposals would result in larger bedrooms. Given therefore the number of bedrooms remains as existing, as per the Council's SPG, no additional requirement for parking is needed. The proposals would therefore comply with the Council's parking SPG.

Impact on neighbours

The proposed rear extension would be located approximately 9.5m away from the boundary of the neighbour at number 5, Cold Knap Way, which is considered a sufficient distance to ensure no detrimental impacts.

The proposed ground floor extensions would have windows offering views towards neighbours. However, given their ground floor nature, no detrimental overlooking would occur from these windows.

1, White House

The proposed south-western extension on the front elevation would be located approximately 1m away from the boundary to this neighbour. The neighbour's dwelling is located a further 2-2.5m away from the boundary and is angled, albeit very slightly, away from the application dwelling. The neighbour has raised strong objections with regards to the impact the proposed extension would have on their property and in particular, the impact that it would have on the front garden and habitable room windows. It should be noted that the neighbour has a living room window on the front elevation. This extension would inevitably alter the outlook from this window and other windows on the front elevation, in addition to the front garden. However, the proposed extension would be located approximately 3-3.5m away from the side elevation and would infill an area between the dwelling and front garage. The existing dwelling already projects past this neighbour's front elevation by approximately 1-1.5m and it is acknowledged that the wider outlook from those windows would be altered. However, given the subservience of the extension, the relatively modest depth and the distance to those windows, it is considered that the extension would not appear as unacceptably overbearing. It would have a closer relationship to the front garden, however, this garden area would retain a generally open aspect and the extension would not appear as oppressive or unneighbourly from this space (which itself is not the sole area of garden serving number 3).

The neighbour has also referred to a loss of light and overshadowing as a result of the proposed front extension. The location of the application site to the east / south-east would result in a loss of light and some overshadowing, particularly during the early part of the day. However, the shadowing impact would not be significant (given the orientation) and the development is considered to be sufficiently spaced from the neighbour to ensure that there would not be a significant natural daylight impact.

The proposed extension would have two rooflights facing this neighbour. However, they would be approximately 2.8m above the floor level in the room that they serve and as such, would not result in any unreasonable overlooking towards this neighbour.

The two storey extension on the side would be located approximately 8.5m away from the boundary and the rear extension approximately 6.8m. Both are considered to be located a sufficient distance from the boundary to ensure no detrimental impacts.

An existing first floor, side elevation window which currently serves a bathroom would be altered to serve a bedroom. Given that this would become a habitable room, this is conditioned as obscurely glazed and non-opening (see condition 3), given the proximity and relationship to a neighbouring window. The plans state the window would be obscurely glazed but it is also necessary to ensure that it cannot be opened in order to ensure no detrimental overlooking.

5, White House

It should be noted that there is a ground level variation between the application site and this neighbour and as such, the neighbour is slightly lower than the application site. The proposed front / side extension would be located approximately 0.9m away from the boundary to this neighbour, albeit the roof overhang would be located closer. The proposed height to the eaves would be approximately 2.4m, gradually rising to match the

height of the existing roof. This neighbour has doors on the side elevation and a narrow pathway between the side elevation and the boundary. The outlook would be altered, however, given the modest height to the eaves and the slope of the roof away from the neighbour, it is considered that there would be no unreasonable overbearing impact. The neighbour has a first floor bathroom window and given its non-habitable nature, impacts on this window would not be unreasonable.

The proposed rear extension would be located approximately 1m away from the boundary to this neighbour at its closest and approximately 4.5m away at its farthest. The proposed extension would alter the outlook for this neighbour from their rear elevation and garden. The ridge height for this extension would be approximately 5.9m away – however, the tallest section of the extension is located approximately 5.5m away from the boundary. Therefore, given the modest height to the eaves and the slope of the roof away from this neighbour, it is considered that there would be no detrimental overbearing impact on this neighbour.

Given the location of the proposed extensions to the west and the position of the existing house, there would not be an appreciable shadowing or daylight issue.

The proposed extensions would have 3 rooflights facing this neighbour. One of the rooflights would serve a hallway and given the nature of this window serving a non-habitable room, there would not be a harmful level of overlooking. Another would serve the ground floor of the rear extension. The third rooflight would serve a bedroom and this is conditioned to be obscurely glazed and non-opening up to 1.7m in the room it serves (Condition 4 refers). Such a condition would ensure no detrimental overlooking to the neighbour's private rear amenity space.

The proposed front extension in the south-western corner would have a side elevation window on the first floor serving a bedroom. The proposed window would be located approximately 7m away from the boundary and whilst views would be offered towards this neighbour, given the nature of these views towards the front of the property (views that are already visible within the public domain), such views would not be harmful to the privacy and living conditions of the neighbour.

Trees

The proposals would result in the loss of a tree in the rear garden and given the location within a conservation area, it is protected. However, the tree is modest in scale and it is considered that its loss would have a negligible impact on the character of the conservation area.

Other issues

The neighbour comments refer to issues such as construction disruption and the need to provide further detail on deliveries etc. Whilst a construction management condition may be appropriate on more major developments, it is rarely reasonable to impose such on a householder development where, construction impacts are temporary and unlikely to be significant in magnitude.

Neighbour objections have referred to the living arrangements of the applicants which are not material planning considerations.

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:

AE 01 rev3 Amended Proposed Elevations AMENDED received 27 April 2021

AL 01 rev3 Amended Proposed floor plans AMENDED received 27 April 2021

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. Any part of the bedroom window that faces 1, White House that is below 1.7m in height above the level of the floor in the room that it serves shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

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

4. Any part of the first floor bedroom rooflight facing number 5, White House that is below 1.7m in height above the level of the floor in the room that it serves shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

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

5. The rooflights approved shall be conservation style rooflights and should be retained as conservation style rooflights in perpetuity.

Reason:

To protect the wider conservation area and to comply with policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Council's Local Development Plan.

6. This consent does not relate to the cladded timber fence at the front of the property as shown on the proposed floor and elevation plans.

Reason:

To protect the wider conservation area and to comply with policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Council's LDP.

7. The render and slate to be used in the construction of the external surfaces of the extensions shall match those used in the existing dwelling that exist at the time of this approval.

Reason:

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

REASON FOR RECOMMENDATION

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

Having regard to Policy SP1 –delivering the strategy, SP10 – Built and Natural Environment, Policy MD 2 – design of new development, Policy MD 5 – development within settlement boundaries and MD8 – Historic Environment 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 and Parking Guidelines, Planning Policy Wales 11th Edition, Technical Advice Note 12- Design, the Welsh National Marine Plan (2019) and Future Wales – the National Plan 2040, Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 the development is considered acceptable in terms of its scale, design, impact on conservation area, impact on neighbours, parking and impact on amenity space provision.

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

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

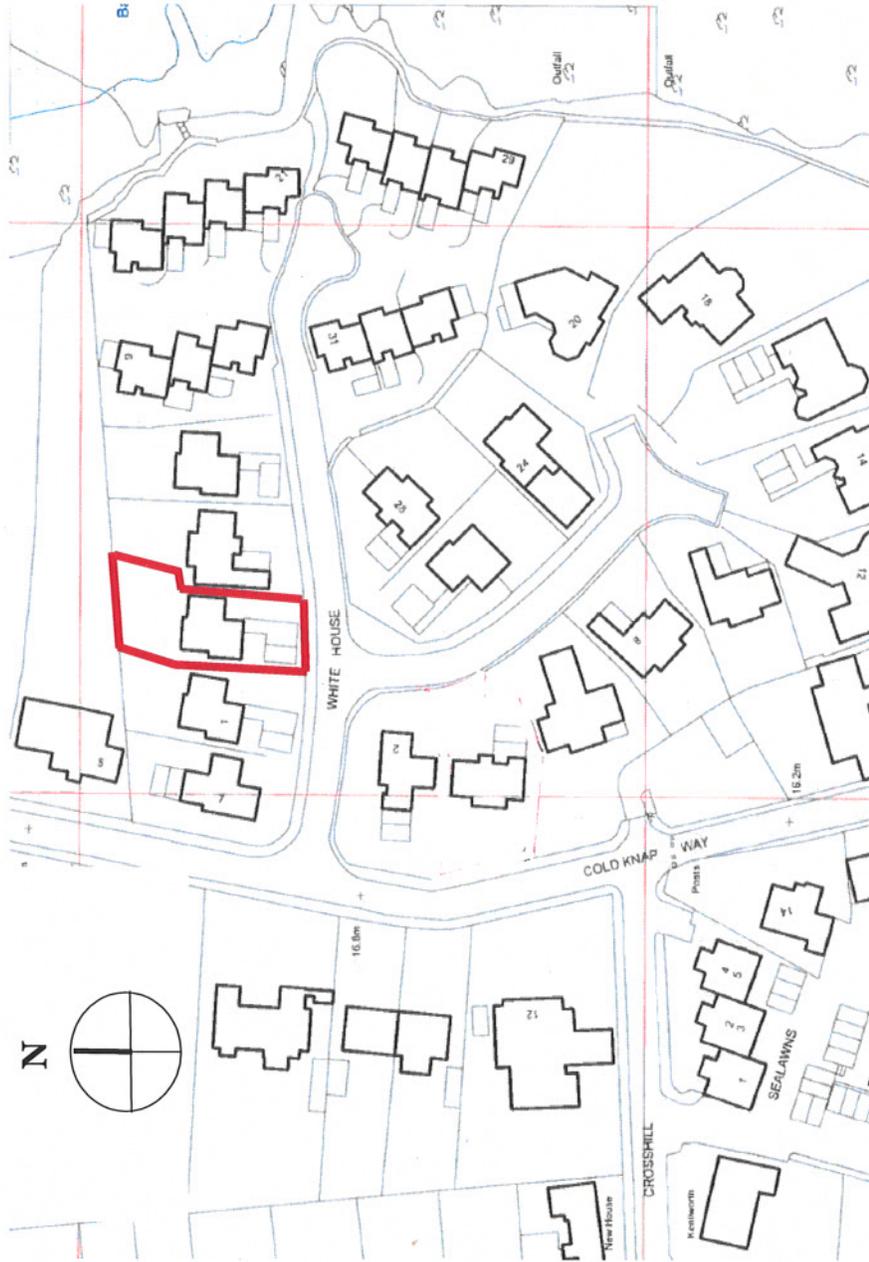
NOTE:

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

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

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

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



LOCATION PLAN 1:1250



2021/00379/FUL Received on 20 April 2021

APPLICANT: Barry Waterfront Consortium C/o Agent

AGENT: Miss Llinos Hallett Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

Land at Barry Waterfront

The construction of a new primary school, access, car parking, landscaping and associated works

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

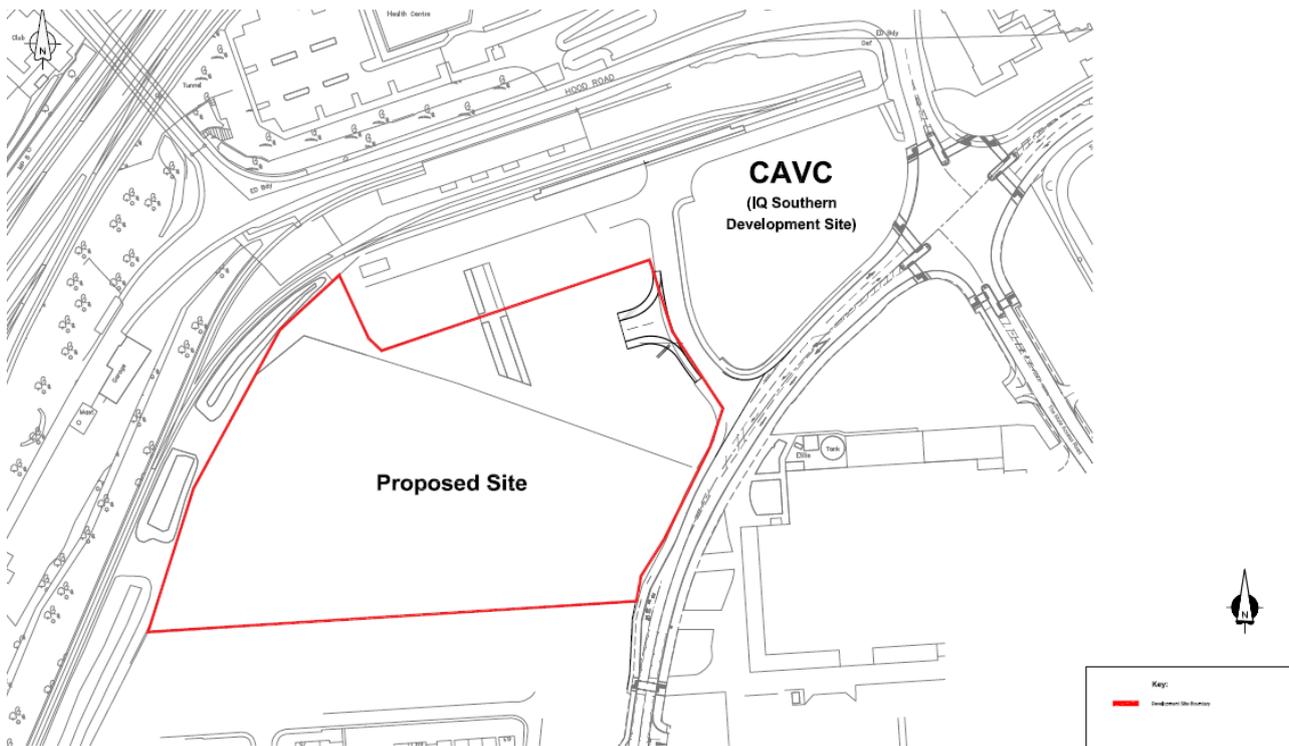
This is a full application for a new two form entry Welsh medium school on land at Barry Waterfront. The application involves the provision of a two storey school building, capable of accommodating up to 420 pupils, 48 nursery places and 38 staff. The new building would be located in the southern part of the site, fronting onto Barry Island Link Road. Vehicular access would be from the link road, and this would lead to staff a parking area comprising 42 parking spaces.

Twenty three representations of support have been received, along with two representations which raise concerns regarding highways and residential amenity impacts. The main issues are considered to be the design and visual impact of the school, impact on neighbours and highways issues.

The application is recommended for approval, subject to conditions.

SITE AND CONTEXT

The application site is approximately 2 hectares of land at Barry Waterfront, as shown on the plan below:



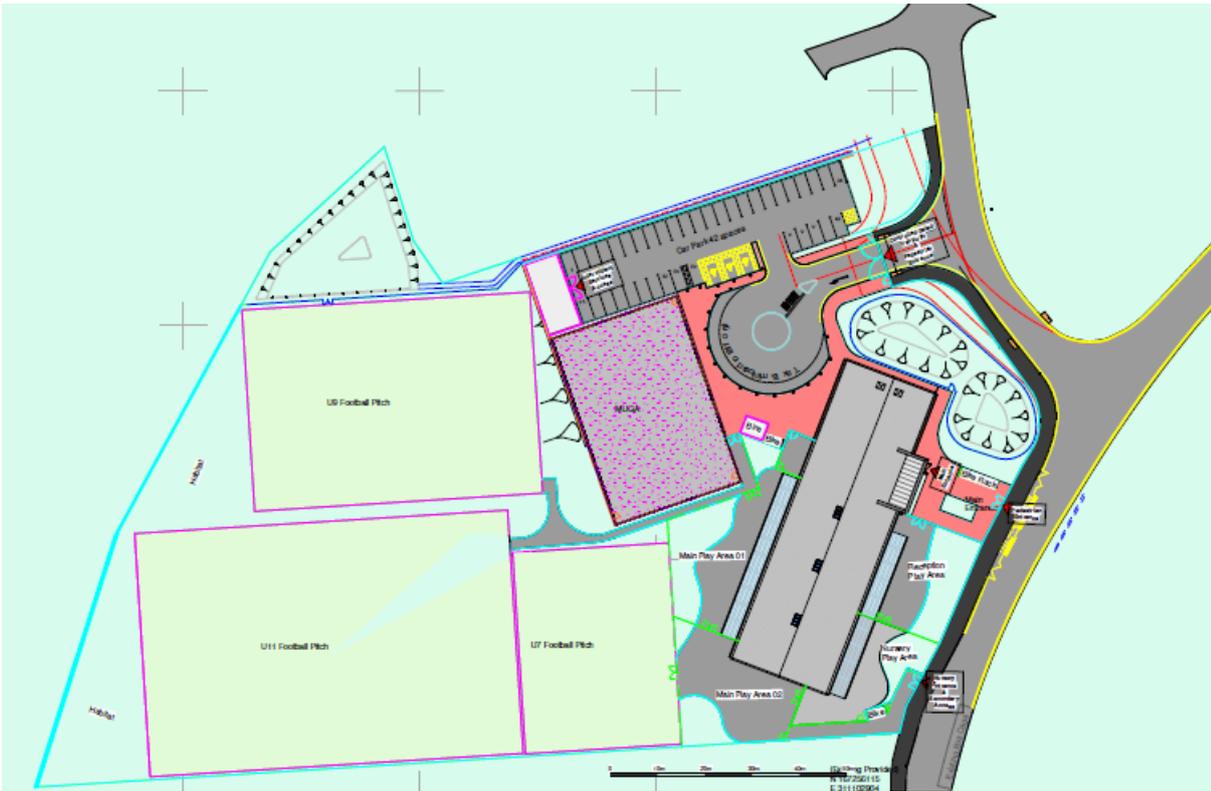
The site is adjoined to the south by a modern residential development, to the west by a railway line, to the north by Council owned land known as the 'IQ Southern Development Site' and to the east by the Barry Island Link Road. The site sits within a context which comprises a mix of uses including residential, A3 and other commercial uses at The Goods Shed and Pumphouse, and a supermarket directly opposite.

The southern half of the site lies within an area allocated in the Local Development Plan for mixed uses (including new educational facilities), and this is set out in policies SP2, MG3 and MG6. That part of the site also lies within the area of outline planning permissions 2009/00946/OUT and 2014/00229/OUT. Access to the site is from the Barry Island Link Road, as shown on the plan above.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for *The construction of a new primary school, access, car parking, landscaping and associated works.*

The plan below shows the proposed layout of the site, including the location of the school building, the access, parking areas and outdoor spaces.



The school would be sited in the eastern part of the site, fronting onto the Barry Island Link Road. Access would be to the north, and this would lead to a parking area of 42 vehicles and a taxi/mini bus drop off loop.

The outdoor spaces comprise an under 7 pitch, and under 9 pitch, an under 11 pitch, a Multi Use Games Area (MUGA) and two further hard surfaced play areas to the side and rear. Nursery and reception play areas are located to the front of the school.

The proposed elevations are shown below:



The building measures approximately 67m wide by 21m deep by between 9.5m and 10m tall.

The proposed school would be '2 form entry' and would deliver primary education for approximately 420 pupils with up to 60 students joining each year. An additional provision of 48 places Nursery School places is proposed for early childcare for children aged between 2 -3 years old.

The scheme is intended to facilitate the relocation of an existing Welsh medium primary school known as Ysgol St Baruc, located at St Pauls Avenue in Barry and to expand its current capacity from 210 spaces to 420 places.

The proposed school would be delivered by the Barry Waterfront Consortium of housing developers comprising Persimmon Homes, Taylor Wimpey and Barratt Homes who are responsible for constructing it in accordance with a Section 106 Legal Agreement pursuant to the above referenced outline planning permissions.

PLANNING HISTORY

2009/00946/OUT, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: Development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle access including a new link road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision, Decision: Approved

2009/00947/OUT, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: Development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle access including a new link road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision, Decision: Approved

2010/00696/FUL, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: Re-grading of site, remediation of contamination and construction of link road to Barry Island, Decision: Approved

2020/00852/FUL, Address: Barry Waterfront 2FE school enabling works on Council owned land, Proposal: Proposed enabling works in preparation for the Barry School site development. This includes topsoil strip, removal of obstructions and existing structures and foundations, installation of wick drains, placement and monitoring surcharge, removal of surcharge and monitoring for rebound and ground raise to proposed levels. This application relates to enabling earthworks to be completed in advance of submission of a full planning application and SAB application for a primary school on the application site and adjacent land, Decision: Approved

CONSULTATIONS

Barry Town Council- No objection subject to the respective Council departments being satisfied with the proposals.

Highway Development- Initial comments requested minor amendments to the internal layout and queried items including cycling parking, railings and Traffic Regulation Orders. The plans have now been amended in accordance with the Engineer's requests, and there is no Highways objection.

Councils Drainage Section- No representations received.

Shared Regulatory Services (Pollution)- No representations received.

Local ward members- No representations received.

Dwr Cymru Welsh Water have raised no objection, or requested any conditions. Advisory notes are recommended.

Network Rail- *No objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.*

Contaminated Land, Air & Water Quality have recommended conditions relating to dealing with any potential contamination.

South Wales Police- No representations received.

REPRESENTATIONS

The neighbouring properties were consulted on 10 May 2021 and the application has been advertised on site and in the press. Twenty three representations of support have been submitted. Two representations have been submitted expressing concerns in respect of:

- Traffic
- Parking and drop off arrangements
- Adoption of roads
- Noise from playing fields
- Visual intrusion from pitches due to change in levels

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP2 – Strategic Sites

Managing Growth Policies:

POLICY MG3 – Strategic Site at Barry Waterfront

POLICY MG6 – Provision of Educational Facilities

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

POLICY MD9 - Promoting Biodiversity

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

Future Wales: The National Plan 2040:

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

Planning Policy Wales:

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

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

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 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Barry Development Guidelines
- Biodiversity and Development
- Parking Standards
- Public Art in New Development
- Sustainable Development - A Developer's Guide
- Travel Plan

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

Well-being of Future Generations (Wales) Act 2015

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

Issues

Background and the principle of development

The existing Ysgol Sant Baruc is a Welsh medium school serving 3 to 11 year olds in South West Barry. It is a 1 form entry school with a total capacity of 210 pupils. The school also has a 48 place part-time nursery. The existing school currently uses the dining facilities at the adjacent High Street Primary School as there is no catering provision at the school. In addition, the classrooms vary in size ranging from a pupil capacity of 23 to 30 children. The smaller size classes are too small to accommodate the school's admission number of 30 children and it is not possible to replace the school with a new building at its current location, due to restricted outside space. The Council have been awarded Welsh Government Band B funding through the 21st Century School Programme to build the new school at Barry Waterfront.

There is a need to meet future demand from the new housing developments in Barry, as well as the increased demand for Welsh medium education. A new 420 place (2 form entry) school building would accommodate the projected increase in pupil numbers from the new developments in the catchment area. The increased capacity would also accommodate the projected increase in parents choosing Welsh medium education.

In alignment with the above, a school is allocated on this land by Policy MG6- Provision of Educational Facilities, of the LDP. Furthermore, the approval of planning permission 2009/00946/OUT granted outline planning permission for a school on this site and there have been no material changes to the relevant planning considerations that would warrant a different decision now being taken. Consequently, the principle of a school on this site has been established, and while this is a full application (as opposed to a reserved matters application linked to the outline permission), this application nevertheless only fundamentally seeks approval for the detail design/layout of the school.

Design, layout and visual impact

The proposed building would be in the region of 9.6m tall and this is similar to the three storey apartment block to the south west. The likely building form on the adjacent IQ site is not yet known, however, it is likely that the site will accommodate a building of 'scale', quite possibly taller than the building proposed here. In that context, the proposed school building is likely to provide a transition between the IQ site and the adjacent residential area, where the built form would step down from the larger commercial buildings around Hood Road (including the IQ site) towards the residential areas to the south west.

The proposed building initially (pre-application) had a flat roof form and concerns were raised in respect of the necessary scale of the building in this context of larger buildings. Subsequently it has been amended and the pitched roof (albeit shallow) would ensure that the height that is compatible with the surrounding buildings.

The building would be relatively conventional in form, while the proposed detailing would give a relatively contemporary finish. The elevations would be constructed in traditional brick, complemented by more contemporary cladding panels and dark grey windows to add interest. The elevations would be punctuated with large windows and door openings and the southern side of the building would present an active and engaging frontage to the link road. A large and striking modern entrance feature would give the front legibility and would assist how it engages with views from the street.

The building would be sited relatively close to the front boundary, which would give a positive sense of enclosure to the street, and the parking area is located to the rear. The bulk of hard and soft play spaces and landscaped areas would be located to the rear, with the play areas for the youngest children at the front. There would be substantial grassed areas which, in addition to landscaping, would soften the appearance of the development.

In summary, it is considered that the building is of an appropriate size/siting and design, which would sit comfortably in this context and would add positively to the wider built environment, in accordance with Policies SP1 and MD2 of the LDP.

Impact on residential amenity

The proposed building would be approximately 10m away from the site's southern boundary; sufficient distance to ensure it would not appear overbearing to the occupants of the adjacent apartments or dwellings.

The distance that the building would be sited back from the highway is sufficient to ensure that there would be no direct overlooking from windows to the existing apartment building, and there would be sufficient distance to the site boundary to ensure that neighbouring private gardens would not be unacceptably overlooked. There is not a significant difference between the adjacent properties and the proposed development levels, and no retaining structures are indicated at the site boundary. However, in order to control this and to ensure the levels have due regard to the gardens of neighbours, this is controlled by condition 10.

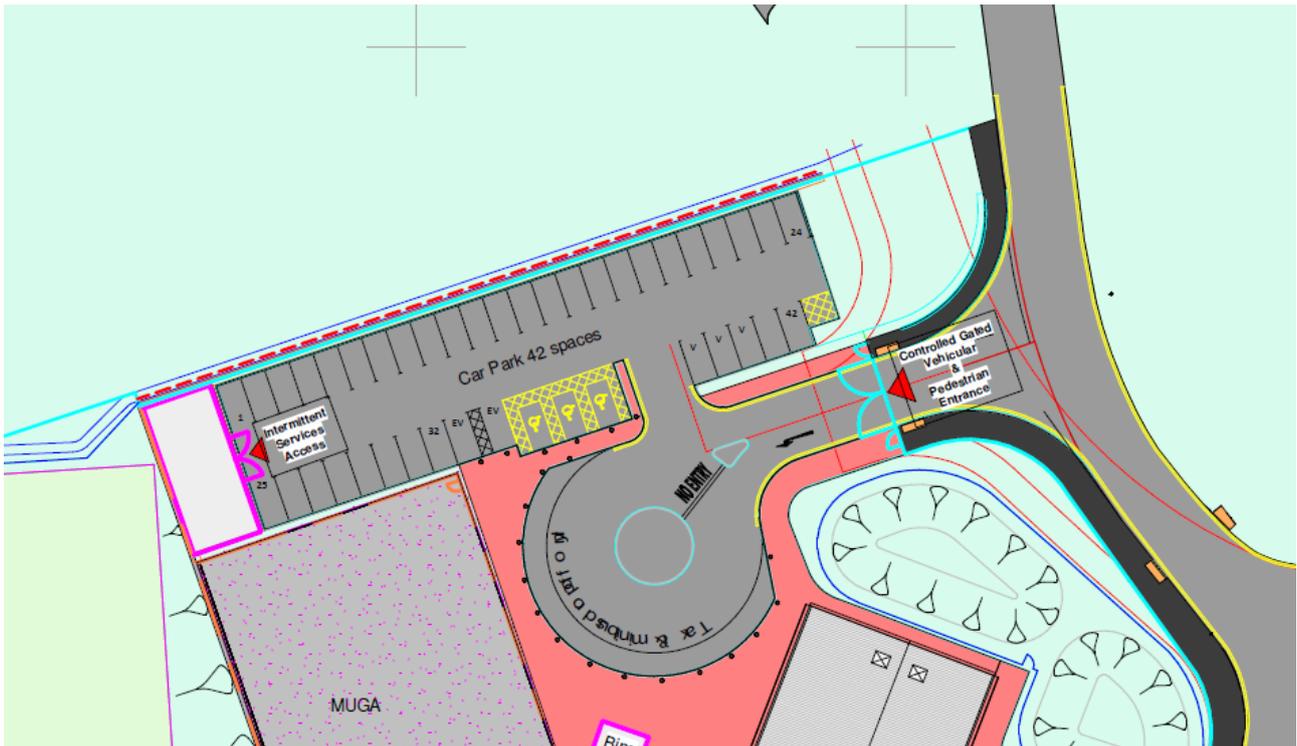
There would inevitably be a level of noise emanating from the site when operational, particularly as a consequence of break times and outdoor sport, however, this would not be to a level which would unacceptably impact upon residential amenity (given the nature/level of the noise and the operational daytime hours of the school).

Condition 4 requires compliance with the submitted Construction Environmental Management Plan, to minimise impacts during the construction phase.

Subject to the above condition, it is considered that the development would not adversely impact upon residential amenity, in accordance with policies MD2 and MD7 of the LDP.

Highways issues

The proposed site access and parking layout is shown on the plan below:



Both the access into the site from the immediately adjacent road, and the access to that from the main link road benefit from geometry and vision splays that comply with the appropriate standards to ensure they would not adversely impact upon highway safety. The associated lining and signage would be controlled through the associated Section 38 or 278 highways agreements.

The traffic impacts of a school in this location were assessed at the time of the original outline application. The proposed primary school is unlikely to be a significant traffic generator (with new or different impacts within the wider highway network) given that the majority of school traffic is either already travelling within the highway network (diverted to the site from the existing school) or will be linked to existing trips from the new residential areas. Therefore, and given that the adjacent highway has been designed taking account of all traffic from the consented outline application (which includes a school) it is considered that the development proposal will not lead to any appreciable traffic impact on the wider highway network or congestion.

The proposed school would be served by a staff parking area located to the north of the building, accessed from the 'internal' site road that itself is a spur off the main link road. The development site does not include an area for parents to park, drop off and pick up on site.

The Council's parking standards require a maximum of 1 parking space per member of staff and three visitor spaces. The Transport Statement (TS) and plans identify 42 spaces which, given the sustainable nature of the location, are sufficient to meet the staff and visitor need arising from the development. There is sufficient space for taxi and minibus drop off in the loop that lies just south of the main car park.

As noted above, the development does not make provision for parent parking or drop off. The site could not practicably accommodate such facilities (without removing necessary staff parking) but in any case, the provision of such would be likely to work against the promotion of more sustainable means of travelling to the school. The Highways Engineer has advised that, notwithstanding sustainability issues, where there is not space for parking to be provided to meet all likely parent parking/drop off demand, it is most appropriate for none to be provided (to avoid vehicle conflict). In such circumstances, parents and carers will be fully aware that no such facilities exist, but the access will be manned to ensure that this will be enforced. There is some parking available in the highway network around the site, but the site is in an extremely sustainable location, easily accessible on foot and by train and bus. Consequently, the Highways Engineer has raised no objection to this arrangement, which will be likely to encourage and facilitate sustainable patterns of travel. Condition 8 requires compliance with the submitted Travel Plan, which sets out measures to encourage sustainable patterns of travel.

In summary, having regard to the above it is considered that the development is acceptable in respect of parking, travel and highway/pedestrian safety.

Drainage

Dwr Cymru Welsh Water have confirmed that there is capacity within the sewerage system to accept foul flows from the development.

For surface water, a detention basin, floor compensatory storage area, drainage ditches and a rain garden form the main parts of the sustainable drainage infrastructure. The development is covered by SAB Regulations and the applicant has designed the drainage scheme in direct consultation with the Council's drainage engineers. Given that the surface water regime is controlled by the SAB process, there is no requirement for a separate planning condition.

Ecology

Policy MD9 of the LDP states:

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

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

The application is accompanied by a preliminary Ecological Appraisal (PEA) which has assessed the site's ecological potential. In summary the site has relatively low ecological potential and no further survey work is recommended as being necessary.

Subject to compliance with the recommendations in the PEA and a condition requiring ecological enhancements (see Condition 6), it is considered that the development would comply with Policy MD9 and the Council's Supplementary Planning Guidance on Biodiversity and Development.

Contamination

The Shared Regulatory Services Team have requested conditions relating to investigations for contaminated land. However, the northern half of the site is covered by conditions on planning permission 2020/00852/FUL and the southern part is covered by conditions on planning permission 2014/00229/EAO. Consequently, there is no need to add further similar conditions here.

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:

- C4238 PDA V1 XX DR A 05 1000 Rev H
- C4328 JUB XX XX DR C 902 Rev P6
- C4328 JUB XX XX DR C 903 Rev P1
- C4328 PDA XX XX DR A 05 1010 Rev B
- C4328 PDA V1 XX DR A 05 1100
- C4328 PDA V1 RF DR A 05 1003 Rev D
- C4328 PDA V1 01 DR A 05 1002 Rev E
- C4328 PDA V1 00 DR A 05 1001 Rev E
- C4328 PDA V1 XX DR A 05 1000 Rev F
- C4328 PDA V1 XX DR A 05 3000 Rev A
- C4328 PDA V1 XX DR A 05 2000 Rev E
- C4294 JUBB XX XX DR Cs 0500 Rev P2

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. Prior to their use in the development hereby approved, samples of the brickwork and cladding shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed and maintained in accordance with the approved materials.

Reason:

To safeguard local visual amenities, as required by Policies SP1 and MD2 of the Local Development Plan.

4. The development shall at all times be undertaken in accordance with the Galliford Try Construction Environmental Management Plan submitted 18/3/21.

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.

5. The development shall at all times be carried out in accordance with the recommendations contained within the Soltys Brewster Preliminary Ecology Appraisal July 2019.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 of the LDP.

6. Prior to the first occupation of the development, a scheme of ecological enhancements (and timescales for their delivery) shall be submitted to and approved in writing by the Local Planning Authority. The enhancements shall thereafter be delivered in accordance with the approved timescales and retained at all times thereafter.

Reason:

In the interests of ecology and to ensure compliance with policy MD9 of the LDP.

7. The landscaping of the site shall be in accordance with plan RMA-XX-XX-DR-L-470/1 Rev 01. 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 and MD2 of the Local Development Plan.

8. The school shall be operated in accordance with the Jubb Travel Plan Ref 20111 March 2021.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

9. All means of enclosure associated with the development hereby approved shall be completed in accordance with those shown on plan C4328-PDS-V1-XX-DR-A-05-1000 Rev H, other than in respect of the front boundary fence, which shall be a maximum of 1.8m high for the extent of site boundary between the vehicular site access and the play area referred to on the plan as 'Main Play Area 02'.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 and MD2 of the Local Development Plan.

10. Prior to the first occupation of the school and prior to the completion of the playing field areas, 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 residential amenity is safeguarded, and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1, SP7, MG6, MD2, MD5, MD7 and MD9 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, PPW 10, TANs 11, 12, 16 and 18 and the Council's SPG on Biodiversity and Development, Parking Standards, Sustainable Development - A Developer's Guide and Travel Plans, the proposed development is considered acceptable in principle, and in respect of design, residential amenity, highway safety, parking, ecology and drainage.

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

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

NOTE:

- 1. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com**

The applicant is also advised that some public sewers and lateral drains may not be recorded on DCWW maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

The presence of such assets may affect the proposal. In order to assist DCWW in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 2. 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

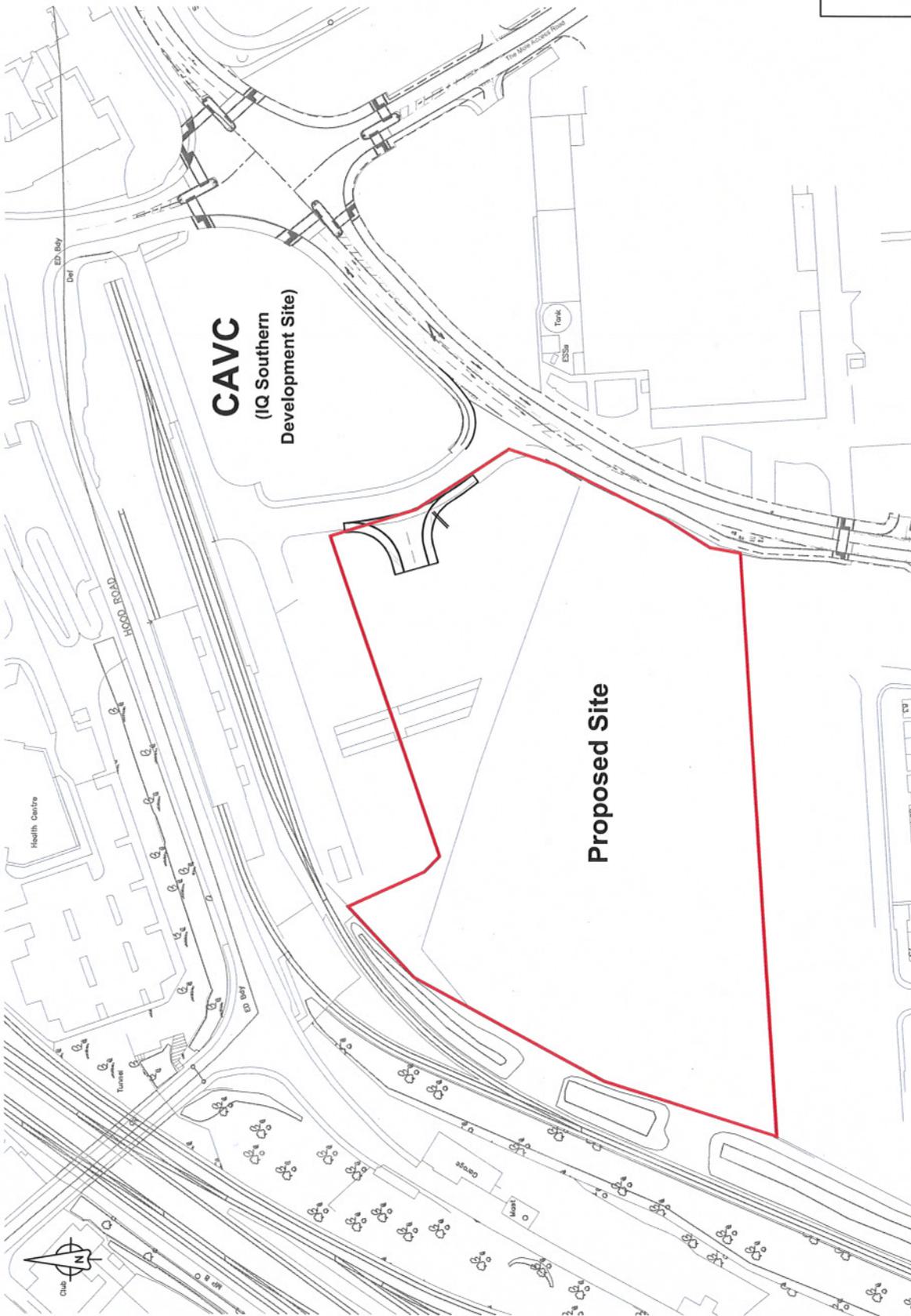
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In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate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

2021/00379/FUL



Key:
— Development Site Boundary

DWG NO.	19128	PDA	ZZ	01	DT	A	(05)1100	A	
Job Ref:	Barry Waterfront Primary	Contract:	Vale of Glamorgan	Scale:	1:1250	Date:	24.09.20	Drawn:	Completed
Title:	Site Location Plan	Contract:	Vale of Glamorgan	Scale:	1:1250	Date:	24.09.20	Drawn:	Completed

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CONSTRUCTION	
PRELIMINARY	<input checked="" type="checkbox"/>
PLANNING	<input checked="" type="checkbox"/>
DESIGN	<input type="checkbox"/>
TENDER	<input type="checkbox"/>

Plan A
 Drawing Issued for Purposes of 16/11/2020
 WING should not be scaled. All measurements should be taken from the architect's drawings and large scale drawings shall be used for construction purposes.
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2021/00449/FUL Received on 29 March 2021

APPLICANT: Mr. Tim Vaughan Pantwilkin Farm, Llanquian Road, Aberthin, CF71 7HE
AGENT: Mr Brian Griffin, Brian Griffin P & C C Limited, The Cottage, Green Bottom, Littledean, Glos. GL14 3LH

Pant Wilkin Stables, Llanquian Road, Aberthin

Provision of new internal access road (retrospective) and new hedgerow

REASON FOR COMMITTEE DETERMINATION

The application has been requested to be determined by the Planning Committee under the Council's scheme of delegation by Councillor A Parker because the extensive proposed works already undertaken without planning consent have caused considerable local concern and due to the potential impact of the proposal on a scheduled ancient monument.

EXECUTIVE SUMMARY

Planning permission is sought, partially retrospectively for the upgrading and surfacing of the existing farm track to provide a new internal access road to access the stable yard and associated buildings in the north.

This internal access road will join with the approved new access to the A48 (planning permission ref. 2020/00720/FUL) in the south, which was approved to serve the existing farm track leading to the stables.

The surfacing is proposed to be carried out in tarmac, on new base layers. These upgrading works have already been undertaken on the northern part of the site, and these retrospective works form the majority of the length of the track subject of this application.

The key issues are considered to be whether the proposal to upgrade the track is acceptable in this countryside location, and its impact on visual amenity, the adjacent scheduled monument, highway safety and public rights of way.

It is accepted in this case that the stables yard is an established and substantial rural enterprise and there are also other activities on the site. Therefore the site attracts a number of traffic movements, which may increase in the future, and it is accepted that these require the use of an engineered and surfaced access road.

In respect of their visual impact, the works are visible in the wider landscape due to the length of the track being upgraded and the topography of the land. However, the views are mitigated by the existing hedgerows, additional hedgerow has recently been planted and further additional hedgerow is proposed.

The scheduled monument adjacent to the proposal is Llanquian Wood Camp. The track has already been upgraded in this area and abuts the perimeter of the scheduled area. However, there is an established hedgerow separating the monument from the internal access road. Given this, the impact on the setting of the monument is considered to be limited.

In respect of highway/road safety matters, the proposal adjoins the approved access on to the A48. This approved access includes a length of approximately 170 metres of carriageway for vehicles entering and leaving the site to use to reach the proposed internal access road subject of the current application from the A48. For vehicles to pass each other on the proposed internal access road, the applicant intends to use existing gaps between the hedgerow and the tarmacked road. It is considered that these proposals are satisfactory to avoid hazardous reversing manoeuvres.

In respect of the public rights of way, while the upgrading of the track may encourage further vehicle movements, it is not considered that these will significantly impact on the public rights of way crossing the site. It is not considered the public rights of way will require diverting as a result of the proposals.

The application is recommended for approval subject to conditions.

SITE AND CONTEXT

Pant Wilkin is a large well established commercial horse racing enterprise, located to the north of the A48.

Pant Wilkin is currently accessed from the A48 via an existing shared access track adjacent to the St Hilary Transmitting Station. However, a new access to the site from the A48 was approved (ref. 2020/00720/FUL) to the west of the existing.

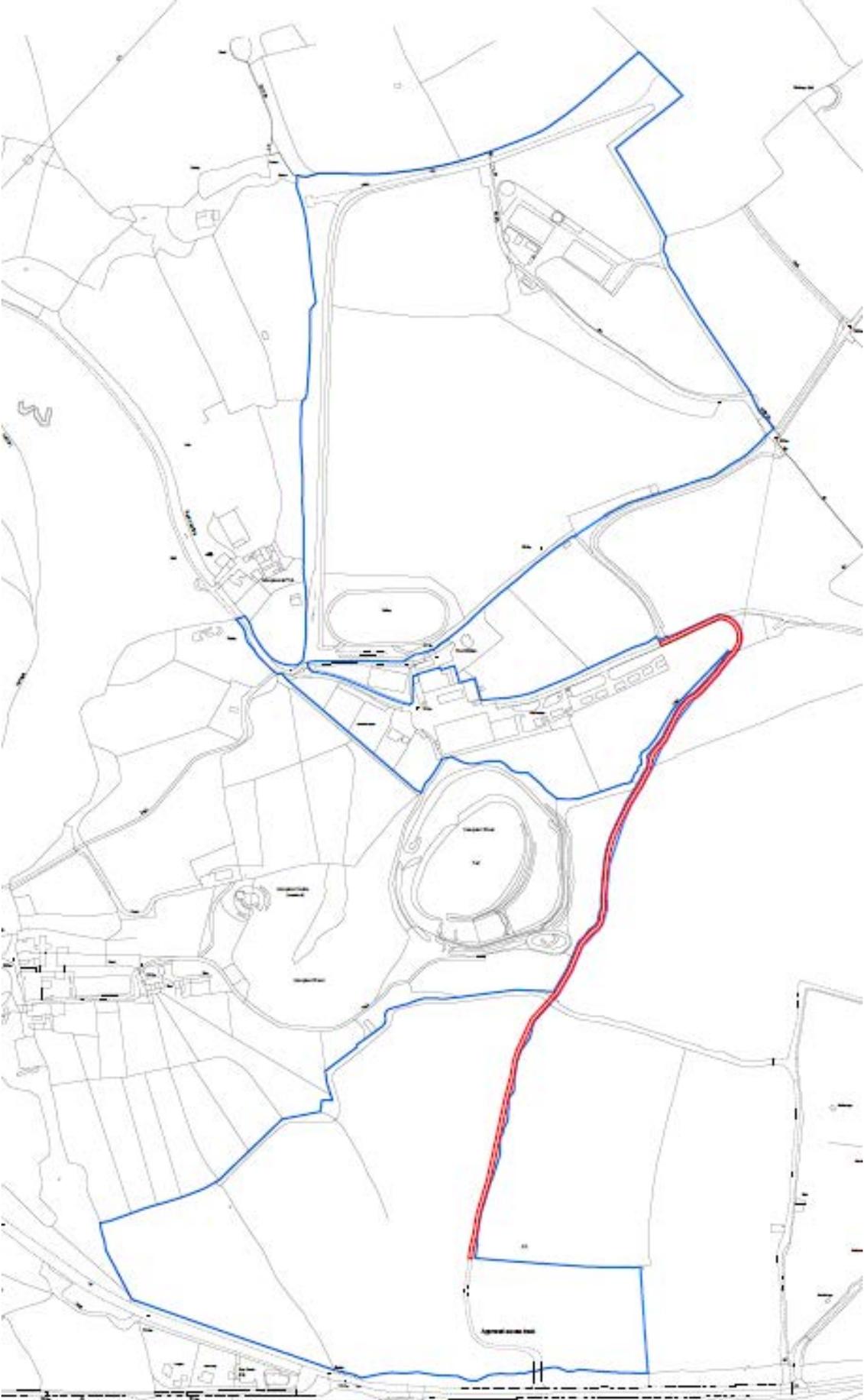
The site itself is an existing hardcore access track crossing the fields from the point of the approved new access on the A48 in the south, to the access road leading to the existing buildings in the north. It is crossed by two public rights of way in the northern part of it.

The site is in the countryside on the edge of the Upper & Lower Thaw Valley Special Landscape Area (partially within and partially just outside). The site is adjacent to the Llanquian Wood Site of Importance for Nature Conservation (SINC). It is also adjacent to the Llanquian Wood Camp scheduled monument, and Llanquian Castle scheduled monument is approximately 270 metres from the site.

A small part of the north of the site is considered at risk of surface water flooding, with the risk being defined as intermediate, and this same area is within the C2 Zone for flood risk, as defined by the Development Advice Maps accompanying Technical Advice Note 15 (Development and Flood Risk).

The site partially has a predicted agricultural land classification of Grade 3a (good to moderate quality), partially 3b (moderate quality) and partially 4 (poor quality), with a small section being non-agricultural. The site is also within an area safeguarded for its limestone resources.

Location Plan:



Site Photos:

Point of access from A48 (approved by planning application 2020/00720/FUL):



Track to be upgraded in southern part of site:



Track already upgraded adjacent to Llanquian Wood Camp:



Track already upgraded in north of site:



DESCRIPTION OF DEVELOPMENT

Full planning permission is sought, partially retrospectively for the upgrading and surfacing of the existing farm track to provide a new internal access road. The track is approximately 900 metres in length and will be 4 metres in width along its length.

The internal access road will join with the approved new access to the A48 in the south and allow access to the stable yard and associated buildings in the north. The reason for its provision, along with the approved new access, is to create an independent access to the stable yard, to be used as an alternative to the existing shared access to the east.

The surfacing is proposed to be carried out in tarmac, which is to be on new sub-base and base layers, provided by excavating approximately 0.5 metres into the site and backfilling.

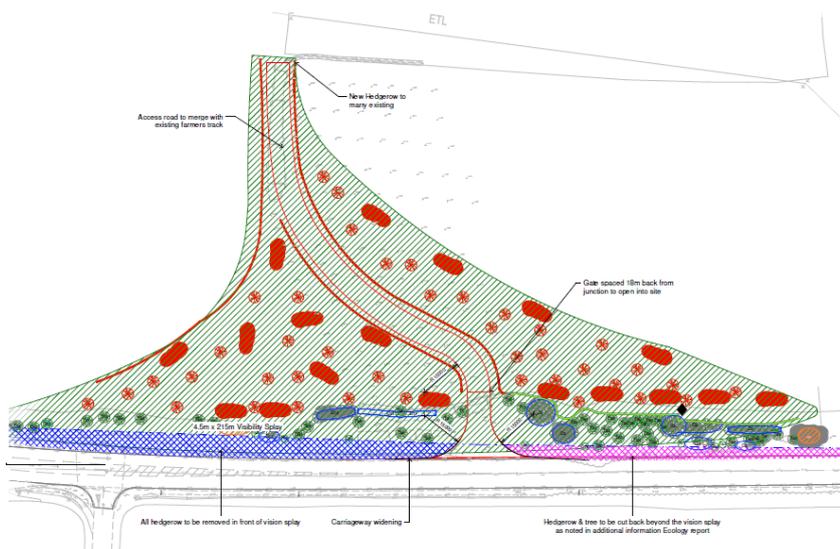
These upgrading works have already been undertaken on the northern part of the site, and these retrospective works form the majority of the length of the track subject of this application. The applicant has advised that these works took place last year.

The existing hedgerow is proposed to be retained and supplemented by a new hedgerow alongside the southern part of the internal access road.

Site Layout Plan:



New access (approved by application 2020/00720/FUL):



PLANNING HISTORY

The relevant planning history is as follows:

2000/00925/FUL, Address: Pwll y Darren Farm, Welsh St. Donats, Proposal: Infill Mynyddgwyn Woodland Quarry and level with top soil, infill rectangular area and level with top soil, Decision: Approved 19th January 2001.

2003/01812/PNA, Address: Hollybush Farm, as part of Pwll Y Darren Farm, Welsh St. Donats, Proposal: Proposed Farm Track, Decision: Prior Approval Required 16th January 2004.

2007/01481/FUL, Address: Pant Wilkin Farm, Aberthin, Proposal: Change of use of farm buildings to national hunt training yard with horse walker and gallops, Decision: Approved 18th January 2008.

2008/00743/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Cowbridge, Proposal: Retention of additional stables, 2 horse walkers and refurbishment of part building 2. Retention of increase in width of gallops, Decision: Approved 10th October 2008.

2008/01071/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Cowbridge, Proposal: Siting of mobile home for 3 years for yard manager with treatment plant and gas tank. Erection of office/ owner's reception area/ grooms rest room (part retrospective), Decision: Approved 3rd April 2009.

2009/00514/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Proposal: Erection of building for 22 stables and feed store (part retrospective), 2 isolation stables and retention of 5 pens within existing building, Decision: Approved 31st July 2009.

2009/00517/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Proposal: Retention of cover over horse walkers. Retention of two horse walkways, Decision: Approved 31st July 2009.

2009/00950/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Cowbridge, Proposal: Erection of lean-to to provide 5 stables, Decision: Approved 2nd November 2009.

2009/00951/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Cowbridge, Proposal: Retention of viewing platform, Decision: Refused 2nd November 2009.

2009/01224/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Cowbridge, Proposal: Erection of building to house 2 horse walkers, Decision: Approved 12th January 2010.

2009/01257/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Proposal: Retention of viewing platform - resubmission with landscaping scheme, Decision: Approved 21st January 2010.

2009/01297/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Proposal: Provision of hardstanding parking area for vehicles and access track, Decision: Withdrawn 19th March 2010.

2010/00802/OUT, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Proposal: Outline application for dwelling with annex and garage for manager/proprietor of Pant Wilkin Stables, with treatment plant and access included, Decision: Approved 15th April 2011.

2010/00834/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Proposal: Erection of stables (nos. 79 to 103), lean to hay barn, extension to staff rest room/office facilities and provision of staff/visitor parking area, using the existing access off the A48, Decision: Approved 15th April 2011.

2012/00631/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Cowbridge, Proposal: Temporary re-siting of log cabin, gas tank, garden shed and treatment plant for two years, provision of manege, circular canter and schooling jumping lane, Decision: approved 7th September 2012.

2012/01152/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Cowbridge, Proposal: Dwelling house with treatment plant drainage and access, in connection with racing stables, Decision: Approved 30th March 2015.

2013/00698/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Cowbridge, Proposal: Change of use to 400 m Gallops and return walking track for stables, Decision: Approved 18th September 2013.

2014/01113/FUL: Address: Pant Wilkin Stables, Aberthin, Cowbridge, Proposal: Renewal of temporary permission for log cabin and associated works for two years, Decision: Approved 11th December 2014.

2019/00075/FUL: Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Proposal: Erection of stables and associated works, Decision: Approved 25th March 2019.

2019/00447/FUL: Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Proposal: Regularisation of change of use of the on-site office building to an office building and two self-contained flats; change of use of a barn from an equine use to an equine use and

three self-contained flats at first floor; change of use of a further equine barn to a residential use by virtue of the housing of four static caravans within; and retention of a single dwelling house (log cabin) and associated gas tank and outbuilding, Decision: Pending

2019/00783/FUL: Address: Llanquian Road, (Pant Wilkin Stables), Aberthin, Proposal: Provision of 6 holiday log cabins, treatment plant drainage and associated works, Decision: Approved 11th October 2019.

2019/01154/FUL: Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Proposal: Change of use of former stables to Equine clinic; Equine rug wash company; Dog grooming parlour with dog day care facilities; Dog and equine wholesale store; and Animal physiotherapy suite, Decision: Approved 21st July 2020.

2020/00720/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Proposal: Provision of new Access to Pant Wilkin Stables, Decision: Approved 19th February 2021.

CONSULTATIONS

The **Members for Cowbridge Ward** were consulted on 9th April 2021. **Councillor A Parker** responded on 26th May 2021 advising that on behalf of the Ward Members Councillor H Jarvie, Councillor G Cox and himself, should the Vale of Glamorgan Planning Department be mindful to approve the above scheme then he would request that delegation is removed and the application be decided by the Planning Committee. The reason for requesting this is that the extensive proposed works already undertaken without planning consent have caused considerable local concern particularly to the residents of Hollybush Farm as well as concerns relayed to Members by the residents of Aberthin, particularly as it might have a harmful effect on Llanquian Castle which is a scheduled Ancient Monument.

Cowbridge with Llanblethian Town Council were consulted on 9th April 2021. They responded on 11th May 2021 advising a unanimous objection based on the following points: members were disappointed the application was retrospective again; the proposal cuts across two public rights of way and it needs to be explained how these will be maintained; the proposal is adjacent to a monument and no impact statement is provided; significant destruction to trees and hedgerow. They would like the hedgerow and trees replaced.

The Public Rights of Way Officer was consulted on 9th April 2021. They responded on 13th April 2021 advising that the northern section of the new access track cuts across two public rights of way. Although a note on plan FT40 states that the PROW are to be maintained there is no detail provided as to how the access will be maintained. They require detail of any furniture to be installed along the PROW, how the applicant intends to ensure the safety of the public as they cross the track and detail of the sightlines available to walkers crossing the new track. Until further details are supplied the Public Rights of Way Section object to this application.

The Public Rights of Way Officer provided further comments on 5th July 2021 following the receipt of further information advising that in the applicant's response (dated 27.04.2021) he has proposed the installation of signage to warn drivers of the PROW crossing point, therefore the PROW Section withdraw their objection. They ask the applicant is made aware that the installation of structures on a public right of way requires

authorisation by the Highway Authority and that there are other outstanding issues regarding rights of way on the land.

Cadw were consulted on 9th April 2021. They responded on 22nd April 2021 seeking more information. They provided further comments on 17th June 2021 following the receipt of further information advising that having carefully considered the information provided, they have no objection to the proposed development in regards to the scheduled monument. Photographs of the road as completed have been submitted. These shows that the existing hedge between the scheduled monument and the road is substantial and will block any views of the road from the monument. Whilst vehicles using the road will be visible from the scheduled monument and will also be heard, they will be intermittent and therefore any effect on the way that it is experienced, understood and appreciated will be temporary. Consequently, the proposed development will have no significant impact on the setting of scheduled monument.

Glamorgan Gwent Archaeological Trust were consulted on 9th April 2021. They responded on 19th May 2021 advising that the development area is adjacent to the Scheduled Area of Llanquian Wood Camp, an Iron Age hillfort of national importance. The application is largely retrospective in regards to the almost completed access track, with the remainder being a new hedgerow. They note Cadw's response requesting further information on the impact on the setting of the Scheduled Monument. As such they defer to Cadw in this respect and there is unlikely to be a significant impact on non-designated archaeological sites.

Natural Resources Wales were consulted on 24th May 2021. They responded on 26th May 2021 advising that they have no objection to the proposed development as submitted. The application site includes a small area of Zone C2 of the Development Advice Maps (DAM) as contained in TAN15. Given the limited extent of flood risk shown to be affecting the application site (and in the absence of a flood consequences assessment), they consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks to these areas. The application site is located within 2km of Cors Aberthin Site of Special Scientific Interest (SSSI). Based on the information submitted, they consider that the proposed development is not likely to damage the features for which Cors Aberthin SSSI is of special interest.

Councils Highways Development Team were consulted on 9th April 2021. They responded on 16th June 2021 advising that no objection is raised in relation to the development provided that the following details are made conditional to the planning consent:

1. Minimum width of the access road must be 8m for a distance of 20m from the adopted highway and 4m wide thereafter (as agreed as part of 2020/00720/FUL planning application), however passing bays should be provided along the road so that vehicles can pass each other without the need to undertake reversing manoeuvres.
2. The proposed access road shall not be brought into beneficial use until such time all highway improvement works relating to 2020/00720/FUL planning application have been completed and implemented on site to the satisfaction of the Highway Authority.

3. The applicant is to be advised that prior to commencing works adjacent to within the confines of the adopted highway they will be required to contact the Highways Section on to agree any alterations to the existing vehicular crossover, to agree construction details and for permission to work within the limits of the adopted Highway.

The Council's Drainage Section, Shared Regulatory Services and the First Minister (in relation to the scheduled monument) were consulted on 9th April 2021, and the Council's Ecologist was consulted on 24th May 2021. No comments have been received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were consulted on 9th April 2021. Site notices were also displayed on 26th April 2021 and 1st June 2021. The application was also advertised in the press on 16th April 2021.

No representations have been received to date.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP9 – Minerals
POLICY SP10 – Built and Natural Environment
POLICY SP11 – Tourism and Leisure

Managing Growth Policies:

POLICY MG17 – Special Landscape Areas
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 MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD13 - Tourism and Leisure
POLICY MD17 - Rural Enterprise

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

Chapter 5 – The Regions

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

Planning Policy Wales:

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

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Placemaking in Rural Areas
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)

Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)

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 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

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:

- Design in the Landscape (2006)
- Minerals Safeguarding (2018)
- Tourism and Leisure Development (2019)
- Trees, Woodlands, Hedgerows and 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 access approved by planning permission 2020/00720/FUL was to serve the existing farm track that leads to the stable yard. This current application now proposes to upgrade that track, although a substantial part of those works have already been carried out.

The key issues are considered to be whether the proposal to upgrade the track is acceptable in this countryside location, and its impact on visual amenity, the adjacent scheduled monument, highway safety and public rights of way.

Visual Impact

The principle of the use of this route to access the stable yard and associated buildings has been accepted through granting the direct access from the A48. However, the upgrading works constitute a significant engineering operation and changes the character of the track from an agricultural track to more of a formal road.

Consideration therefore has to be given as to whether those works accord with Policy MD1 (Location of new Development) of the Local Development Plan, which requires that development on unallocated sites should have no unacceptable impact on the countryside.

It is accepted in this case, that the stable yard is an established and substantial rural enterprise and there are also other activities, including an equine veterinary clinic, animal physiotherapy and log cabin accommodation on the site. It is also noted that there is planning permission for a dog grooming parlour and day care, equine rug wash company and dog and equine wholesale store.

Therefore, the site attracts a number of traffic movements, which may increase in the future, and it is accepted that these require the use of an engineered and surfaced access road, which would be suitable for access by some non agricultural vehicles. As such it is considered that the works are justified and acceptable within the countryside under Policy MD1, subject to their visual impact on the countryside being considered acceptable.

In respect of their visual impact, the works are visible in the wider landscape due to the length of the track being upgraded and the topography of the land. However, the views are mitigated by the existing hedgerows. The provision of an additional 290 metre length of hedgerow in the south of the site and a recently planted hedgerow (see below) will further soften the view and impacts when fully established. The upgraded track will also be viewed in the context of other activities on the site and the approved access on to the A48.

Regarding the comments of the Town Council regarding the removal of trees and hedgerows, it is unknown which trees and hedgerows they are referring to. However, the application does not propose felling or hedgerow removal works and no evidence of recent felling works was seen on the officer's site visit in the site itself. It is however noted that felling works have taken place alongside the A48 associated with the previously approved access.

On the officer's site visit it was noted whips to establish a new hedgerow have been planted alongside where the upgrading works have already been completed, as shown on the submitted site layout plan. It is considered that this, the existing established hedgerows, and the proposed length of additional hedgerow provide sufficient landscaping for the development, subject to a condition to ensure that the hedgerow planting is

completed in the first planting season following the completion of development (**Condition 3 refers**).

As such, it is not considered that the upgrading works have a significant visual or landscaping impact and do not adversely impact on the special landscape area. Therefore they are considered to accord with Policy MD2 (Design of New Development) in respect of visual impact and Policy MG17 (Special Landscape Areas) of the Local Development Plan).

Impact on Scheduled Ancient monument

The Scheduled Ancient Monument adjacent to the proposal is Llanquian Wood Camp, with Llanquian Castle set slightly further away to the west. The track has already been upgraded in this area and abuts the perimeter of the scheduled area of Llanquian Wood Camp. However, there is an established hedgerow separating the monument from the internal access road. Given this, the impact on the setting of the monument is considered to be limited and it is also noted that Cadw have not raised an objection. As such the proposal is considered to accord with Policy MD8 (Historic Environment) of the Local Development Plan.

Highway Considerations

In respect of highway/road safety matters, the proposal adjoins the approved access on to the A48. This approval includes a length of approximately 170 metres of carriageway for vehicles entering and leaving the site to use to reach the proposed internal access road subject of the current application from the A48.

For vehicles to pass each other on the proposed internal private access road, the applicant intends to use existing gaps between the hedgerow and the tarmaced road. It is not intended to carry out any upgrading works to formalise these. It is considered that these proposals are satisfactory to avoid hazardous reversing manoeuvres, particularly in the vicinity of the A48. The condition that works to the new access onto the A48 shall be completed prior to this being brought into use is necessary (**Condition 4 refers**), as is the suggested note regarding working in the vicinity of the highway (**Informative 1 4 refers**).

Impact on Public Right of Way

Turning to Public Right of Way (PROW) matters, while the upgrading of the track may encourage further vehicle movements, it is not considered that these will significantly impact on the PROW of way crossing the site. It is not considered the PROW will require diverting as a result of the proposals. It is considered that any proposed warning signage should be agreed separately with the Public Rights of Way Officer. The applicant has been advised separately of the other matters the Public Rights of Way Officer has raised.

Other Issues

Although part of the site has a predicted agricultural land classification of Grade 3b, the proposed development is not considered to adversely impact on the availability of the best and most versatile agricultural land as it involves the surfacing of an existing track. The development is not considered to have a significant impact on the availability of limestone resources.

It is not considered that given the small area of the track impacted by the risk of flooding and the nature of the proposed use, that flood risk is a significant planning issue in the determination of this application.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

A100 OS Location Map (received 29th June 2021)
A101 Access Track Site Plan (received 29th June 2021)
FT10 Typical Cross Section of Farm Track (received 29th March 2021)
FT40 Layout Plan Northern Section of Farm Track (received 29th March 2021)
FT50 layout Plan Middle Section of Farm Track (received 29th March 2021)
FT60 Layout Plan Southern Section of Farm Track, insofar as it shows the retention of the existing hedgerow and the landscaping table for the new hedgerow only (received 29th March 2021)

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.

2. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include:
 - i) details of a haulage route plan;
 - ii) any Proposed Temporary Road Closures and other Temporary or Permanent Traffic Regulations required;
 - iii) the times when lorries will be permitted to deliver to/ leave the site;
 - iv) details of facilities for wheel washing;
 - v) details of storage of plant and materials during construction,

Development shall be carried out in accordance with the approved CTMP.

Reason:

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

3. All hedgerow planting shown on the approved plans shall be carried out in the first planting and seeding seasons following the completion of the development or the first beneficial use of the internal access road; 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 provision and maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas) and MD2 (Design of New Developments) of the Local Development Plan.

4. The internal access road hereby approved shall not be brought into beneficial use until such time as the access approved by 2020/00720/FUL and all the highway improvement works required as part of that planning permission have been completed and implemented on site and such completion and implementation has been agreed in writing by the Local Planning Authority.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy SP1 (Delivering the Strategy), MD2 (Design of New Developments) of the Local Development Plan and to ensure that minimum Design and Construction Standards are achieved.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 (Delivering the Strategy), SP9 (Minerals), SP10 (Built and Natural Environment), SP11 (Tourism and Leisure), MG17 (Special Landscape Areas), MG22 (Development in Minerals Safeguarding Areas), MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD8 (Historic Environment), MD9 (Promoting Biodiversity), MD13 (Tourism and Leisure) and MD17 (Rural Enterprise), Future Wales- The National Plan 2040, Planning Policy Wales and the relevant Technical Advice Notes and Supplementary Planning Guidance, it is considered the upgrading of the access track is acceptable in this countryside location, acceptable in terms of its visual and landscape impacts and has no significantly adverse impacts on the public rights of way crossing the site nor the schedule monument adjacent. It is also considered acceptable in other respects.

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

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

NOTE:

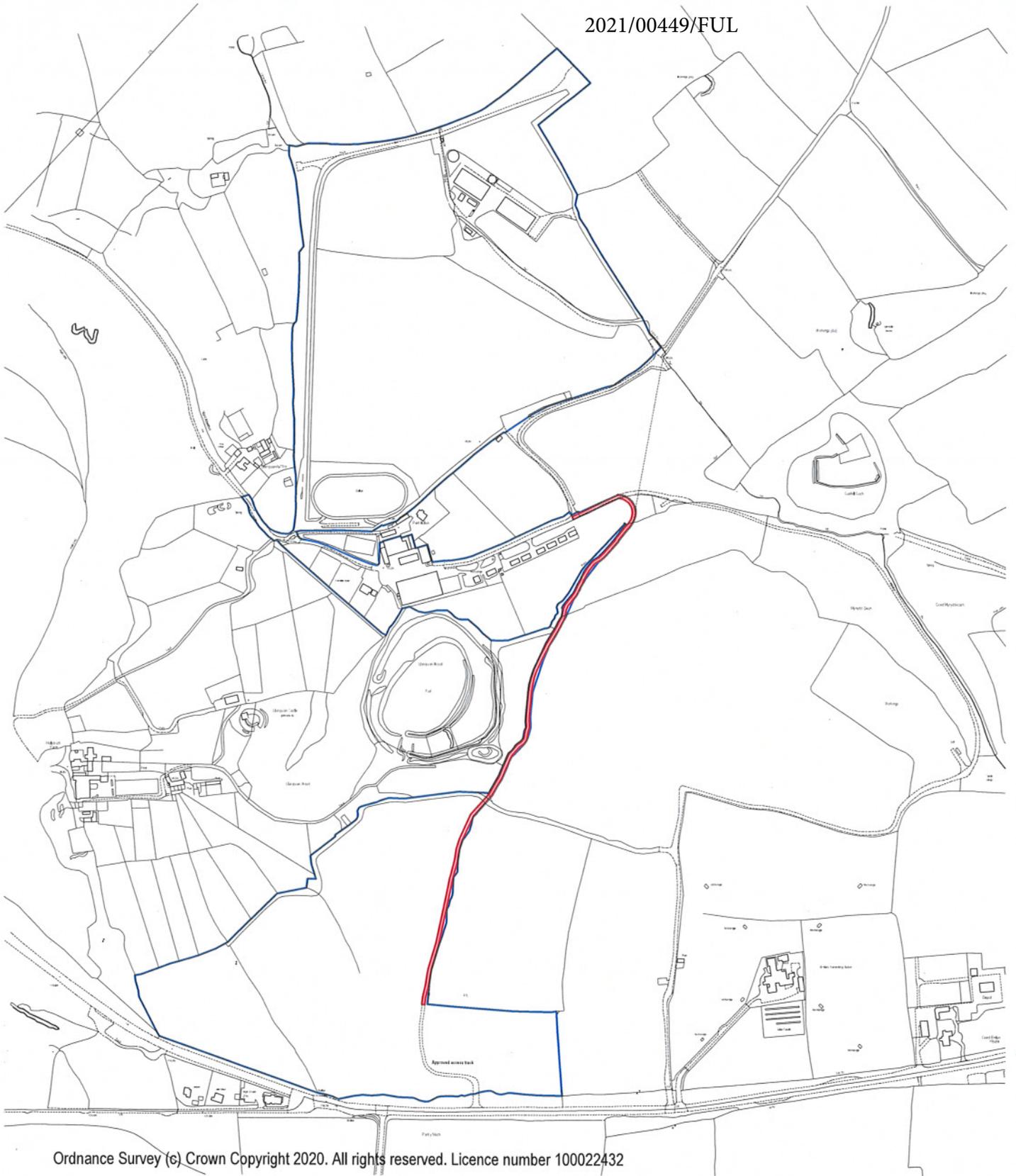
- 1. The applicant is advised that prior to commencing works adjacent to within the confines of the adopted highway they will be required to contact Mr Peter Coughlan of the Highways Section on to agree any alterations to the existing vehicular crossover, to agree construction details and for permission to work within the limits of the adopted Highway.**

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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— Site boundary
— Land ownership




 29 Bocan Park,
 Old Field Road,
 Pencoed,
 Cardiff, CF11 7JL
 T: 01656 330 997
 www.360ad.co.uk
 Architectural Design &
 Visualisation Consultancy

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REVISIONS DESCRIPTION 	JOB: Task Planning application ADDRESS: Fawcett Station Aberdare, Cwmbryni, CF11 7JL LAYOUT TITLE: OS Location map SYSTEM No: 29-04-2021-access track JOB No: 20417 DRAWN BY: ND CHECKED BY: ND	CLIENT: Tim Vaughan Keung DRAWN: A100
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2021/00563/FUL Received on 20 April 2021

APPLICANT: Mr Gary Mickelsen 46, Clos Yr Wylan, Barry, CF62 5DB

AGENT: Mr Gary Mickelsen 46, Clos Yr Wylan, Barry, CF62 5DB

46, Clos Yr Wylan, Barry

Retrospective application for a Garden Office outbuilding, located to the front of the property

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because there is a dual recommendation for the refusal of the application and the authorisation of enforcement action.

EXECUTIVE SUMMARY

The application relates to 46 Clos Yr Wylan, which is a semi-detached two storey dwelling within the settlement of Barry. The application seeks permission to retain an outbuilding which is being used ancillary to the dwellinghouse at the front of the property.

Barry Town Council object to the application upon the basis that the development would ruin the integrity of the street scene and set a precedent for similar developments. To date, 3 letters of representation from neighbours have been received raising concerns regarding: the street scene, that the garden office will constitute business use, precedent, not in keeping with neighbouring properties and imposing on neighbouring privacy.

The main issues are the visual impact on the street scene, impact on neighbours, and the impact on amenity space serving the application site.

The application is recommended for refusal due to its unacceptable visual impact and authorisation sought for enforcement action to remove the building.

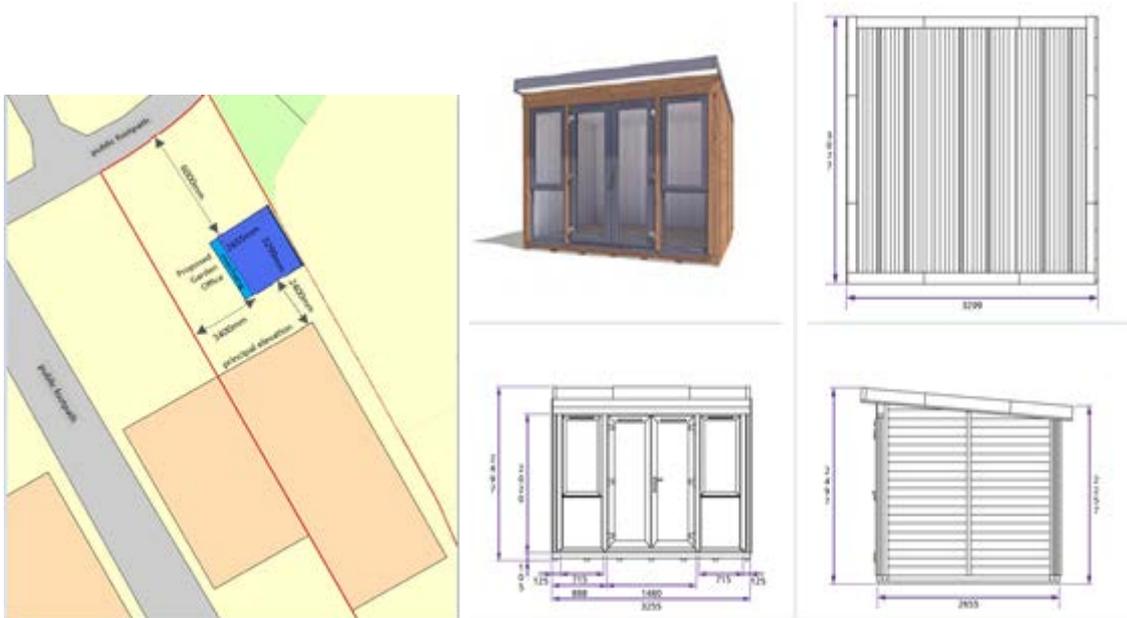
SITE AND CONTEXT

The application relates to 46 Clos Yr Wylan, which is a semi-detached two storey dwelling within the settlement of Barry, as identified by the Vale of Glamorgan Adopted Local Development Plan (LDP) 2011-2026. The street scene is mixed in terms of the scale and appearance of neighbouring houses and a site location plan is shown below.



DESCRIPTION OF DEVELOPMENT

The application seeks permission to retain a garden outbuilding which is being used ancillary to the dwellinghouse at the front of the property. Proposed plans are shown below. The proposed site plan shows the footprint of the placement of the garden office.



PLANNING HISTORY

1989/01254/OUT, Address: Barry Island Resort, Nells Point, Barry Island, Proposal: 800 permanent homes, open space & infra-structure, car parks and possible day visitor attractions with retail facilities, Decision: Withdrawn.

1997/01198/REG4, Address: Former Holiday Camp, Barry Island, Proposal: Mixed use development for commercial tourism, leisure, public open space, residential uses and restoration of site Minute No. 692, Decision: Approved

1999/00623/RES, Address: Phase II, Nells Point, Barry Island, Proposal: Residential development of 131 houses and 12 flats and associated access roads, Decision: Approved

2003/01628/FUL, Address: Area 2C - Nells Point, Barry Island, Proposal: Development of 103 No. two and three bed houses and apartments with associated garaging and car parking, Decision: Withdrawn

2004/00411/FUL, Address: Area 2C - Nells Point, Barry Headland, Barry Island, Proposal: Substitution of 39 units with 50 units with associated garaging and car parking (re-submission 03/01628), Decision: Approved

2015/01327/FUL, Address: 46, Clos yr Wylan, Barry, Proposal: Retrospective consent for orangery, Decision: Approved

CONSULTATIONS

Barry Town Council were consulted on 10th May 2021 and their response received on 28th May 2021 states that they object upon the basis that the development would ruin the integrity of the street scene and set a precedent for similar developments.

Local Ward Members were consulted on 10th May 2021. However, no responses have been received to date.

REPRESENTATIONS

The neighbouring properties were consulted on 10 May 2021. To date, 3 letters of representation have been received. The main concerns are summarised as follows:

- Destroying street scene
- Worry that garden office will constitute business use
- Setting precedent
- Not in keeping with neighbouring properties
- Imposing on neighbouring 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 Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy

Managing Development Policies:

POLICY MD1 - Location of New Development

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.

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

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

- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

Policy 1 – Where Wales will grow

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

Policy 6 – Town Centre First

- Sequential approach for new commercial, retail, education, health, leisure and public service facilities.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application. The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

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)

Welsh National Marine Plan:

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

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:

- Barry Development Guidelines
- 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 issue relates to the positioning, scale, and design of the outbuilding which has already been built, in terms of its visual impact on the street scene. Consideration will also be given to the impact on neighbours, as well as the impact on amenity space serving the application site.

Design and Visual Impact

The application site is a semi-detached property in a row of similar dwellings each with a front garden, with a footpath running along the frontage. The character is consistent, with the gardens having an open outlook and low-level vegetation so they are semi-private spaces that contribute to the visual amenity and character of this part of the street scene.

Photo 1: Application site context – street scene garden frontages



The outbuilding has been erected at the front of the house in the garden as shown in the photograph below. The dimensions are approximately 3.3 metres deep and 2.6 metres wide, it has been built right up to the boundary on the east-side of the property.

Photo 2: The outbuilding in the front garden of the application site



Photo 3: View of front garden / outbuilding from public footpath fronting the application site



The Residential and Householder Development SPG 2018 provides advice regarding the design of development:

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

Policy MD2 of the Council’s LDP states that proposals should:

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

Whilst the outbuilding is relatively modest in scale, with a flat roof that limits its height, it is nevertheless highly visible from the nearby public footway due to its position at the front of the property and the relative openness of the garden. It has extensive glazing in the front elevation which would add to its visual impact when the lights are on inside, particularly when it is dark outside (from late afternoon in winter months).

The building is of a style and form that one would normally expect to be located in a private rear garden and the property does have a garden at the rear where it could potentially be sited. An outbuilding of this size would be permitted development in most cases, but not where it is forward of the front elevation as in this case.

The existing street scene is decluttered in terms of its character and appearance; there are low boundary treatments between the dwellings at the front of properties and the areas at the front are landscaped areas that do not contain any outbuildings.

Therefore, the introduction of this outbuilding has had a detrimental impact on the appearance of the street scene by virtue of its siting at the front of the property providing visual clutter in what is otherwise a pleasant street scene characterised by open well-maintained front gardens.

Impact on Neighbours

The use of the building is ancillary to the dwellinghouse and will not alter the character of the application site in this regard. Therefore, the primary impact upon neighbours to consider is its visual impact on their outlook / amenity as well as potential privacy impacts.

26 Clos Y Fulfran is sited directly east of the application property with its rear garden backing onto the side elevation and front garden of the application site. The outbuilding is set close to the boundary with the rear garden of the neighbouring property. In this sense, it has a similar impact on this property as a garden shed next to the boundary (noting this would often be permitted development). Therefore, considering its scale and location in relation to this property, it is considered that it would not unacceptably harm the amenity of this neighbouring property.

Similarly, there are no unreasonable neighbour impacts upon No.'s 27 and 28 Clos Y Fulfran, nor the properties opposite the site which are some distance from the outbuilding and do not adjoin the part of the application site where the building is located.

The adjoining semi-detached property, 48 Clos yr Wylan, lies to the west of the application property and the building sits approximately 3.4 metres from the boundary. The windows in the 'front elevation' of the new building face the neighbour's front garden and whilst this allows overlooking of the front garden, this is the same as the existing situation when either property uses this space to sit out due to the openness of these gardens and is therefore acceptable. The degree of separation and angle of the windows in the new building relative to the windows in the front elevation of the neighbouring property is such that it would not cause unacceptable impacts on privacy to these windows.

Therefore, while the building creates a harmful visual impact on the streetscene described above, it is not considered that it has an unacceptable impact on the amenity of the neighbours.

Amenity Space

The outbuilding uses a small part of the front garden with a consequential reduction in the amount of usable outdoor space serving the property. However, the front garden remains a usable outdoor area and this impact would not warrant refusal of the application.

RECOMMENDATION

1. That planning permission for the retention of the outbuilding be refused.
2. That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require the removal of the outbuilding.
3. 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

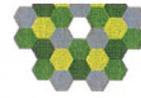
1. By virtue of its siting in the front garden of the application site in an area characterised by open and unobstructed front gardens, the outbuilding detracts from the character and appearance of the streetscene and has a harmful visual impact contrary to LDP Policy MD 2 and the Residential and Householder Development SPG 2018 , in addition to design advice in TAN 12 and PPW.

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 and Future Wales – the National Plan 2040.

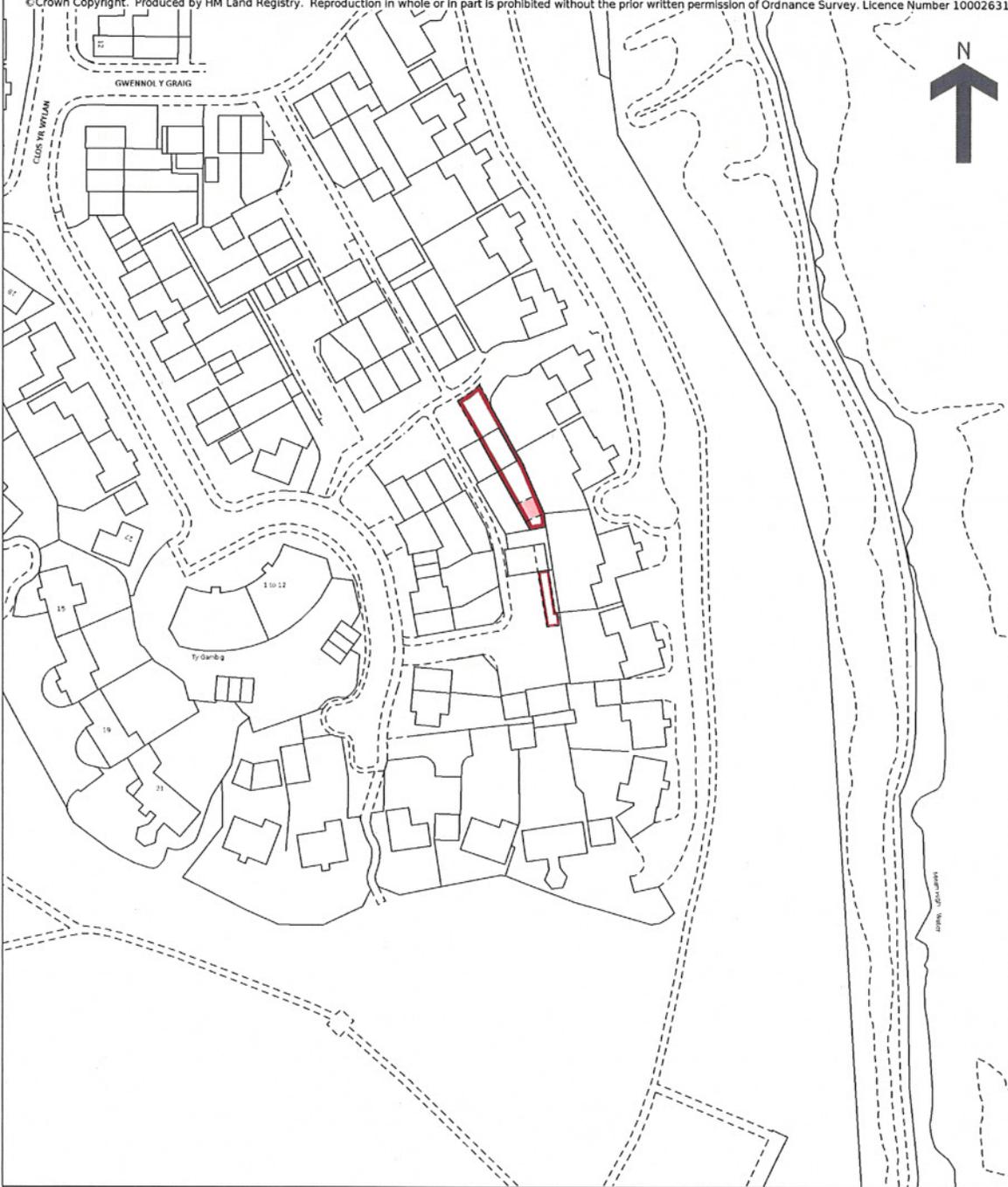
Having regard to Policies SP1, MD1, MD2 and MD5, the Council deems that this development due to its prominence within the street scene is unacceptable.

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

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



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