

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 1 **SEPTEMBER, 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:

2013/0211/BN	A	99a, Main Street, Barry	New dwelling
2021/0021/PO	AC	41, Cliftonwood Crescent, Bristol, BS8 4TU	Demolish existing conservatory and build new extension, new roof lights to second floor roof, redesign garden layout and improved insulation and layout on garden house for office, lobby and storage.
2021/0022/PO	AC	21, Gabalfa Avenue, Cardiff. CF14 2SG	Hip to gable, dormer loft conversion
2021/0023/PO	AC	1, Pentre Gardens, Grangetown, Cardiff. CF11 6QJ	Single storey side extension
2021/0024/PO	AC	Bridge Road, Old St. Mellons, Cardiff, CF3 6UY	Construction of 2 x 5-bedroom houses with integral double garage and associated amenity space
2021/0026/PO	AC	36, Kelston Road, Cardiff, CF14 2AJ	Rear and side elevation single storey extensions
2021/0027/PO	AC	66, Virgil Street, Grangetown, Cardiff. CF11 8TF	Proposed single storey rear extension with internal alterations
2021/0028/PO	AC	60, Pen Y Mynydd, Bettws, Bridgend. CF32 8SB	Two storey side extension to form grannie annex
2021/0029/PO	AC	28, St Georges Road, Birchgrove, Cardiff, CF14 4AQ	Single storey rear lean too extension

2021/0030/PO	AC	31, St. Cadoc Road, Heath, Cardiff. CF14 4ND	Loft conversion with hip to gable and rear dormer
2021/0032/PO	AC	Land at 11, Worcester Close, Heogerrig, Merthyr Tydfil, CF48 1SP	New build 3 bed, 2 storey property in former garden
2021/0188/BN	A	Mole End, Pen-y-turnpike Road, Dinas Powys, CF64 4HG	Internal refurb plus loft conversion (dormers)
2021/0422/BN	A	34, Sea Point, Crosshill, Barry, CF62 6TB	Knock through
2021/0454/BR	AC	24, Torbay Terrace, Rhoose. CF62 3HB	Single storey rear extension to enlarge kitchen
2021/0455/BN	A	3, Maes Illtud, Llantwit Major. CF61 2SD	Porch
2021/0486/BN	A	13, Fennel Close, Cogan, Penarth, CF64 2QF	Double storey dropping to single storey side extension
2021/0496/BN	A	37, Ffordd Cwm Cidi, Barry, CF62 6LJ	Upgrade of conservatory roof
2021/0499/BR	AC	7, St. Lythans Road, Barry. CF62 7NG	Demolish lean to outhouse, construct new single storey kitchen extension and small attached garage
2021/0500/BN	A	71, Jenner Road, Barry. CF62 7HQ	Single storey rear extension
2021/0501/BR	AC	21, Bron Awelon, Barry. CF62 6PR	Single storey rear extension
2021/0502/BN	A	8, Walston Close, Wenvoe. CF5 6AS	Two rooms into one
2021/0503/BN	A	3, Tyla Rhosyr, Cowbridge. CF71 7AU	Removal of 2 load bearing walls and porch
2021/0505/BN	A	23, Maes Y Gwenyn, Rhoose. CF62 3LA	Rear single storey flat roof kitchen extension
2021/0506/BN	A	15, Robinswood Crescent, Penarth. CF64 3JE	Removal of internal supporting wall and external wall opening for bi fold doors

2021/0507/BN	A	31, Hywel Crescent, Barry. CF63 1DL	Upgrading floor, internal wall to receive DPC injection, new ground floor door lining and doors including ironmongery full decoration
2021/0508/BN	A	1, Porth Y Castell, Barry. CF62 6QA	1 no. window installation of lantern to roof of existing single storey extension
2021/0509/BN	A	5, Baron Road, Penarth. CF64 3UD	Single storey rear extension for utility and toilet
2021/0510/BR	AC	28, Westgate, Cowbridge. CF71 7AR	Bathroom extension, internal alterations and new dormer
2021/0511/BN	A	40, Cornerswell Road, Penarth. CF64 2WA	Renovation of kitchen dinner with removal of chimney and minor structural alterations
2021/0512/BN	A	Glebe Farm, Porthkerry. CF62 3BZ	Replace old slate roof with similar and construction of two new window openings
2021/0514/BN	A	114, Wordsworth Avenue, Penarth. CF64 2RQ	Knock through existing kitchen to create new
2021/0515/BN	A	Can Yr Onnen, Llandough, Cowbridge. CF71 7LR	Single storey extension to rear elevation
2021/0516/BN	A	3, Dunster Drive, Sully. CF64 5TN	Single storey rear extension on same footprint as conservatory
2021/0517/BN	A	6, Cae'r Odyn, Dinas Powys. CF64 4UF	Removal of load bearing wall
2021/0518/BN	A	Redlands House, Penarth. CF64 2QT	Installation of first floor cross communal fire door set with automation fitted
2021/0519/BN	A	The Paddock, Clawdd Coch, Pendoylan. CF71 7UP	Proposed single storey extension to provide kitchen and dining area
2021/0520/BN	A	53, The Verlands, Cowbridge, CF71 7BY	Double storey extension

2021/0522/BR	AC	22, Caer Ffynnon, Barry, CF62 6NS	Single storey house extension/garage conversion.
2021/0523/BN	A	Forest Fach Farm, Cowbridge Road, Talygarn, Pontyclun, CF72 9JU	Two storey extension
2021/0524/BN	A	9, Lettons Way, Dinas Powys, CF64 4BY	Garage conversion
2021/0526/BN	A	21, Rutland Close, Barry, CF62 8AR	Lift installation
2021/0527/BN	A	Factory House, Factory Road, Llanblethian, Cowbridge, CF71 7JD	Fit-out of existing residential annex to create 1 bedroom residence
2021/0528/BN	A	Glan Y Mor Cottage, Southerndown. CF32 0RN	Replacing extension
2021/0530/BN	A	The Coach House, Cowbridge Road, St. Nicholas. CF5 6SH	Convert annexe to holiday accommodation for family use
2021/0531/BR	AC	Gwynfa, David Street, Wick. CF71 7QF	Single storey rear extension and extend above garage
2021/0532/BR	AC	The Meadows, St Hilary, Cowbridge, CF71 7DP	Single storey side and rear extensions
2021/0533/BN	A	7, Pant Y Celyn, St. Athan. CF62 4PS	Single storey extension
2021/0534/BN	A	2, South View, Boverton, Llantwit Major. CF61 2AW	Garage conversion to study / tv room, to front add window and brick to bottom half, doorway into hall from garage
2021/0535/BR	AC	47, Althorp Drive, Cosmeston, Penarth. CF64 5FJ	Two storey rear extension and single storey front extension
2021/0536/BN	A	135, St. Davids Crescent, Penarth. CF64 3NB	Enlarge opening / internal wall removal
2021/0537/BR	AC	137, Stanwell Road, Penarth. CF64 3LL	Single storey side extension and double loft dormer extension

2021/0538/BN	A	Vishwell Farmhouse, St. Andrews Road, Wenvoe. CF5 6AF	Remove and replace waste treatment plant
2021/0539/BN	A	54, Nant Talwg Way, Barry. CF62 6LZ	Single storey rear extension, garage conversion plus associated works
2021/0540/BR	AC	2, Gibbonsdown Rise, Barry. CF63 1DT	To extend to rear of dwelling new granny flat accommodation
2021/0541/BN	A	19, Plas Taliesin, Penarth. CF64 1YN	Changing balustrades, alterations of ground floor layout and creating an opening on first floor level to balcony, including removal of 2 windows, load bearing wall and sliding doors to be installed
2021/0542/BN	A	25, Smeaton Close, Rhoose. CF62 3FU	Bungalow renovation internally with a loft being added into the roof void. The rear conservatory walls will be built up to 2.4m from dwarf walls and a new dormer roof will be constructed to come over this conservatory area
2021/0543/BR	AC	St. Richard Gwyn RC High School, Argae Lane, Barry. CF63 1BL	The installation of 2 new single storey de mountable units comprising of; 15 no. WC toilet block with wash facilities (12m x 6m) and 2 no. office / class break-out rooms, inclusive of lobby and storerooms (9.6m x 3m)
2021/0544/BN	A	2, Breach Cottages, Bonvilston. CF5 6TU	Proposed loft conversion with dormer
2021/0546/BN	A	Flat, 1, 29, Park Road, Barry, CF62 6NX	Alterations to existing flat to have one extra bathroom
2021/0547/BN	A	Rhos Colwyn, Heol Y Mynydd, Welsh St. Donats, CF71 7SS	Building above an existing flat roof to create a master bedroom and en-suite

2021/0548/BN	A	10, Green Meadow Close, St Athan, CF62 4NT	Proposed conversion of existing garage to 'Granny annexe'
2021/0549/BN	A	Ridgeway, 42, Llanmaes Road, Llantwit Major, CF61 2XF	Flat to pitched roof
2021/0550/BR	AC	Vale Farm, Flemingston, CF71 7LT (West of Trefynnon Farm)	Proposed rural enterprise workers dwelling
2021/0551/BN	A	Cherry Orchard Farm, Watery Lane, Welsh St Donats, Cowbridge, CF71 7SS	Proposed upgrading of existing building to form 3 bedroom dwelling
2021/0552/BN	A	58, Tynewydd Road, Barry, CF62 8BA	Single storey extension
2021/0553/BN	A	15, The Heathers, Barry, CF62 7FL	Knock through from lounge to converted garage
2021/0554/BN	A	22, Millbrook Road, Dinas Powys, CF64 4DA	Replacement of existing steel beam above bi-fold doors
2021/0555/BN	A	15, Charteris Close, Penarth, CF64 5RT	Pull garage forward, integrate current kitchen into back of original garage with new roof.
2021/0556/BR	AC	Pop Up Shop, Poundfield, Llantwit Major. CF61 1XZ	Proposed retail unit
2021/0557/BN	A	50, Trebeferad, Boverton, Llantwit Major, CF61 1UX	EWI and Chimney Repair
2021/0558/BN	A	6, Rectory Close, Wenvoe, CF5 6AQ	EWI and Chimney Removal
2021/0559/BN	A	2, Boverton Road, Boverton, Llantwit Major, CF61 1TX	EWI
2021/0560/BN	A	39, Eagleswell Road, Boverton, Llantwit Major, CF61 2UG	EWI
2021/0561/BN	A	15, Nicholl Court, Boverton, Llantwit Major, CF61 2LR	EWI and Chimney Removal

2021/0562/BN	A	91, Clive Road, Barry, CF62 5UZ	EWI
2021/0563/BN	A	5-7, Ruthen Terrace, Barry, CF62 7JD	EWI - Smooth
2021/0564/BN	A	42, Cornerswell Road, Penarth, CF64 2WA	Internal alterations to include removal of chimney stack
2021/0565/BN	A	20, Coronation Terrace, Penarth, CF64 1HN	Install steel beam where supporting wall was
2021/0568/BR	AC	Penbury, Heol Y Mynydd, Welsh St. Donats, CF71 7SS	Internal alterations, part garage conversion and single storey ground floor infill extension with lean-to roof.
2021/0569/BR	AC	14, Druids Green, Cowbridge, CF71 7BP	Internal alteration and installations of fittings
2021/0570/BN	A	3, Duffryn Crescent, Peterston Super Ely, CF5 6NF	Single storey replacement garden room
2021/0571/BR	A	23, Cwrt-y-vil Road, Penarth, CF64 3HP	Demolish existing lean too roof and build new flat roof and external cladding to rear of existing extension
2021/0572/BR	AC	Llys Y Don, 6, Windmill Lane, Llanblethian, Cowbridge, CF71 7HX	Detached house refurbishment including extensions
2021/0573/BN	A	Thornfield, Llanquian Road, Aberthin. CF71 7HE	Extension and alterations to existing front and rear dormer projections
2021/0574/BR	AC	68, Victoria Road, Penarth, CF64 3HZ	Single storey side extension
2021/0575/BR	A	50, Uplands Crescent, Llandough, Penarth, CF64 2PS	Demolition of existing rear lean-to conservatory structure and side garage. Proposed front, rear, side wrap-around, single storey
2021/0576/BN	A	12, Coigne Terrace, Barry, CF63 3NU	Loft conversion and dormer
2021/0577/BN	A	19, Rhodfar Morwydd, Penarth, CF64 2UD	Loft conversion with dormer

2021/0578/BN	A	63, Queen Street, Barry. CF62 7EG	Knock through
2021/0579/BR	AC	8, Tair Onen, St Hilary, Cowbridge, CF71 7UA	Demolition of and replacement of existing extension, internal wall removal and reconfiguration on ground floor and 1st floor addition of en-suite to existing bedroom
2021/0580/BN	A	6A, Pontypridd Road, Barry. CF62 7LR	New roof to main house, flat to pitched roof to rear of property and knock through with new WC. (Ash to check if porch exempt on site please)
2021/0582/BR	AC	Llanfair Primary School, St. Mary Church. CF71 7LT	Single storey composite clad modular building comprising of classroom, office DOA / staff WC, children WC and kitchen
2021/0583/BR	AC	10, Evenlode Avenue, Penarth. CF64 3PD	Modernisation of existing dormer bungalow, including central 2 storey front gable with porch, roof extension above garage to side and 2 storey rear extension
2021/0584/BN	A	46, Cilgant Y Meillion, Rhoose. CF62 3LH	Proposed ground floor rear extension, garage conversion and Internal structural alterations
2021/0585/BR	AC	440, Gladstone Road, Barry. CF63 1QG	Single storey side extension to build a commercial office with separate entrance for employees
2021/0586/BN	A	7, Pant Y Celyn, St. Athan. CF62 4PS	Rebuild outer skin front elevation plus internal knock through
2021/0587/BN	A	9, Maes Y Coed, Barry. CF62 6SZ	Loft Conversion with Dormer
2021/0588/BR	AC	9, Glebeland Place, St. Athan. CF62 4PQ	Two storey side and rear extension

2021/0589/BN	A	Shorkot Farmhouse, Woodland Lane, Leckwith, Cardiff, CF11 8AS	Garage conversion to granny annexe
2021/0590/BN	A	12, Heol Tre Forys, Penarth. Cf64 3RE	Knock through and change of lintel
2021/0591/BN	A	Moselkern, St. Andrews Road, Wenvoe. CF5 6AF	Two storey gable extension
2021/0592/BN	A	48, Westbourne Road, Penarth. CF64 3HF	Underpinning, refurbishment of top floor with new insulation in ceiling, repointing chimney stack, maintenance and capping, renewing damp proofing to walls and external rendering
2021/0593/BN	A	291, Gladstone Road, Barry. CF63 1NJ	Proposed single storey rear extensions with hip to gable roof extension and alterations to fenestration design. Internal alterations to suit new layout, all with associated external works and new windows
2021/0594/BN	A	103, Cornerswell Road, Penarth. CF64 2UY	Single storey extension to rear of property to enlarge kitchen - replacing old conservatory
2021/0595/BN	A	5, Longmeadow Drive, Dinas Powys. CF64 4TA	2 Storey Extension
2021/0596/BN	A	20, Caradoc Avenue, Barry. CF63 1DR	To form an aperture through the first floor ready to install a through floor lift for a disabled person
2021/0597/BN	A	Caia Barn, St. Nicholas. CF5 6SG	Sun room
2021/0598/BN	A	24, Bryneithin, St. Andrews Road, Dinas Powys. CF64 4BL	Garden store single storey in courtyard garden with utility area
2021/0599/BN	A	15, Romilly Park Road, Barry. CF62 6RP	Two rooms into one

2021/0600/BN	A	9, Llanover Street, Barry. CF63 2HD	Single storey extension to enlarge kitchen and shower room and toilet
2021/0601/BN	A W	8, Wheate Close, Rhoose, CF62 3HH	Single Storey Extension
2021/0602/BR	AC	132, Fontygary Road, Rhoose, CF62 3DU	New roof and internal alterations
2021/0603/BR	AC	10, Drake Close, St Athan, CF62 4JF	Single storey rear extension
2021/0605/BN	A	Greenhills, Degar Hill, Llanharry, CF72 9JX	Extension to existing first floor accommodation to existing dormer bungalow
2021/0607/BN	A	15, Hastings Avenue, Penarth, CF64 2TF	Re-roof to main house
2021/0608/BN	A W	6, St Lythans Road, Barry, CF62 7NG	Single storey rear extension and loft conversion
2021/0609/BN	A	16, Colcot Road, Barry, CF62 8HN	Knock through and two storey side extension 60sqm
2021/0611/BN	A	10, Is y Coed, Wenvoe, CF5 6DL	Demolish existing conservatory and replace with single storey extension
2021/0612/BR	AC	2, Cae Gwyn, Penarth. CF64 3JY	To extend to rear of dwelling new kitchen / breakfast and form new veranda
2021/0613/BR	AC	19, Oxford Street, Barry. CF62 6PA	To demolish existing rear lean too and construct new utility room / toilet extension
2021/0614/BN	A	134, Redlands Road, Penarth, CF64 2WN	Single storey extension
2021/0615/BR	AC	48, Dunraven Close, Cowbridge, CF71 7FG	Loft conversion and internal alterations
2021/0616/BN	A	Franklin Court, Llanmaes, CF61 2XR	Garage conversion

2021/0617/BR	A	2, John Street, Barry, CF63 2RA	Widening of structural partition between bathroom and first floor landing
2021/0618/BN	A	3, Pembroke Close, Dinas Powys, CF64 4PA	Re-roof
2021/0619/BR	AC	62, Broadway, Llanblethian, Cowbridge, CF71 7EW	Two storey extension to rear and extension to loft conversion
2021/0620/BR	AC	Larch Croft, Pen-y-Lan Road, Aberthin, CF71 7HB	Single storey side extension with a mezzanine
2021/0621/BR	AC	7, Charteris Close, Penarth. CF64 5RT	Rear single storey extension to replace existing conservatory
2021/0622/BN	A	Matiana, Main Road, Ogmere By Sea, CF32 0PD	Install steel beam to replace load bearing wall between kitchen and utility.
2021/0623/BN	A	10, Pembroke Close, Dinas Powys, CF64 4PA	Replace roof
2021/0624/BN	A	2, College Road, Barry. CF62 8BE	Knock through from kitchen to dining room
2021/0626/BN	A	185, Cardiff Road, Dinas Powys. CF64 4JW	Re-roof
2021/0630/BN	A	220, Barry Road, Barry. CF62 9BH	Internal load bearing wall to be removed
2021/0631/BR	AC	10, Aneurin Road, Barry. CF63 4PP	Conversion of shower room into separate shower room and WC
2021/0632/BR	AC	11, Purcell Road, Penarth, CF64 3QL	Two storey extension to the rear and side of the existing property
2021/0633/BR	AC	85, Cardiff Road, Dinas Powys. CF64 4JT	Two storey side extension and single storey rear extension
2021/0636/BN	A	Tamar, Treoes, CF35 5DH	Supalite roof
2021/0641/BR	AC	94, Pontypridd Road, Barry, CF62 7LT	Extension to rear of property to allow for a larger bedroom and larger shower room

(b) Building Regulation Applications - Reject

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

2021/0498/BN	R	15, Oyster Bend, Sully. CF64 5LW	Disabled extension wet room, alterations to internal doors and garage conversion for full time carer
2021/0504/BN	R	38, Plymouth Road, Penarth. CF64 3DH	Installation of through floor lift in private dwelling
2021/0513/BN	R	20, Cwlwm Cariad, Barry, CF63 1EG	Removal of internal and external load bearing walls
2021/0521/BN	R	The Stables, Squire Street, Llysworney, CF71 7NQ	Conversion of garage to studio/office and garden store
2021/0525/BN	R	12, Whitcliffe Drive, Penarth. CF64 5RY	Single and double storey extensions and internal structural alterations
2021/0529/BN	R	91, Port Road East, Barry. CF62 9PX	2 storey and a single storey side extension
2021/0545/BN	R	Plot of Land adjacent to Glebe Farm, St Hilary, CF71 7DP	New dwelling and associated stables and barn for agricultural use
2021/0566/BN	R	9, Whitcliffe Drive, Penarth. CF64 5RY	Single storey rear extension, two storey side extension with loft conversion across complete front of house
2021/0567/BN	R	12, Nant Canna, Treoes, CF35 5DE	Single extension 17 foot by 9 foot and take down 2 walls in the inside of the house
2021/0581/BN	R	7, Westward Rise, Barry. CF62 6PL	Single storey extension
2021/0604/BN	R	11, Llandaff Close, Penarth, CF64 3JH	Single storey rear extension
2021/0606/BN	R	344, Barry Road, Barry. CF62 8HH	Double storey rear extension
2021/0610/BN	R	21, Andover Close, Barry, CF62 8AG	Single storey wrap around extension 50sqm

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

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

2021/0120/AI	A	Holmview, Pen-Y-Turnpike Road, Dinas Powys. CF64 4HG	Proposed garage re-build & re-model (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0121/AI	A	Stepping Stones, Llancafán. CF62 3AD	Conversion of roof space to habitable rooms and internal alterations to ground floor
2021/0122/AI	A	21, Fonmon Road, Rhoose. CF62 3DZ	Proposed ground floor rear and front porch extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0123/AI	A	36, Park Crescent, Barry. CF62 6HE	Single storey extension
2021/0124/AI	A	Fontygary Holiday and Leisure Park, Rhoose, Barry, CF62 3ZT	Phase 1 - Strip out existing gym and spa, remove existing non loadbearing walls and locate a children's play area and associated areas plus a new coffee shop and seating area. Phase 2 - Relocate existing toilets, open up structure to include function room and bar to form one large bar area. Increase size of existing kitchen
2021/0125/AI	A	26, Gadlys Road West, Barry, CF62 7HX	Proposed single storey extension to rear, two storey side extension and extension to existing porch to front (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

2021/0126/AI	A	41, Broadway, Cowbridge, CF71 7EX	Structural alterations to remove part of a load bearing wall and install steel beams
2021/0127/AI	A	1, Seys Close, Cowbridge, CF71 7BW	Two storey extension to dormer bungalow
2021/0128/AI	A	38, Porthkerry Road, Rhoose, CF62 3HD	Rear extension and associated work
2021/0129/AI	A	81, High Street, Cowbridge, CF71 7AF	Conversion of a shop to a dental practice and associated work
2021/0130/AI	A	The Gables, Southerndown, CF32 0RW	Proposed new detached dwelling
2021/0131/AI	A	8, Spires Walk, Barry, CF63 1FJ	Proposed conservatory roof replacement with a warm roof (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0132/AI	A	Flat 8, 31, Plymouth Road, Penarth. CF64 3DA	Proposed insulation of existing roof, soundproofing of floors, replacement of 2 fire doors, installation of 2 Velux roof windows, fitting of new kitchen and bathroom and complete rewire (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0133/AI	A	52, Glebe Street, Penarth. CF64 1EG	Proposed conversion of coach house / workshop to dwelling (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0134/AI	A	Kaspa's Desserts, 1A, Paget Road, Barry. CF62 5TQ	Fit out of existing unit to form dessert parlour
2021/0135/AI	A	19, Westbourne Road, Penarth. CF64 3HA	Proposed garden office to rear of existing property (works to incorporate

			material alterations to structure, controlled services, fitting and thermal elements)
2021/0136/AI	R	134, Redlands Road, Penarth. CF64 2WN	Proposed single storey extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0137/AI	A	1, West Acre, Llanmaes, Llantwit Major. CF61 2XQ	Proposed two storey side extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0138/AI	A	25, Station Road, Penarth. CF64 3EP	Proposed single storey extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0139/AI	A	Ground Floor Level Unit 20 - 22, Llandough Trading Estate, Penarth Road, Penarth. CF11 8RR	Expansion to adjoin neighbouring industrial with a fit out of both units
2021/0140/AI	A	Copperfield, Llancarfan. CF62 3AG	Loft conversion, internal alterations and side extension
2021/0141/AI	A	Oaklands, Broad Close Lane, Moulton, CF62 3AB	Two-storey rear extension, garage conversion to provide habitable accommodation, first floor extension over garage, internal alterations / refurbishment and new detached garage / outbuilding
2021/0142/AI	A	31, Bramble Avenue, Barry, CF62 7JN	Single-storey rear extension
2021/0143/AI	A	8, Badgers Brook Drive, Ystradowen, Cowbridge, CF71 7TX	Replacement of an existing conservatory roof
2021/0144/AI	A	Ty-R-Waun, Cross Common Road, Dinas	Proposed full renovation, two storey extension and

		Powys. CF64 4TP	external wall cladding (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0145/AI	A	3, Tennyson Way, Llantwit Major, CF61 1WY	Single storey extension
2021/0146/AI	A	11, St. Augustines Road, Penarth. CF64 1BH	Loft conversion, basement renovation and associated work
2021/0147/AI	A	34, Ivy Street, Penarth, CF64 2TY	Proposed single storey extension to the side and rear
2021/0148/AI	A	12, Badgers Brook Rise, Ystradowen, CF71 7TW	Proposed single storey rear extension and garage conversion

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PLANNING COMMITTEE : 1 SEPTEMBER, 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

2015/01132/1/N MA	A	The Beachcomber, Lakeside, Barry	Non Material Amendment - See covering letter. Planning approval 2015/01132/FUL - Proposed demolition and redevelopment of The Beachcomber, Barry for seven residential flats and associated ancillary works
2017/00841/3/N MA	A	Land at North West Cowbridge	Non Material Amendment to Condition 2 to allow alternative roof tile type to be used on specified plots. Planning approval 2017/00841/RES - Phase 1 of the development consisting of 169 dwellings with associated access,

			roads and footpaths, landscaping, public open space and other ancillary works
2017/01197/3/C D	A	Land to the East of Holm View Leisure Centre, Barry	Discharge of Condition 17 (Biodiversity Strategy) - Previous approval 2017/00260/REG3 - Proposed residential development comprising 11 affordable dwellings along with associated parking, highway and ancillary works, including a new vehicular access/egress for Holm View Leisure Centre
2017/01203/5/C D	A	Cog Moors Sewage Treatment Works, Barry Road, Dinas Powys	Discharge of Condition 6 - Longterm management of doormice. Previous permission 2017/01203/FUL - Change of use of land as an extension to the existing wastewater treatment works site and to the compensatory dormouse habitat and for the construction of an Advanced Anaerobic Digestion (AAD) Plant, together with associated landscaping and mitigation measures and the formation of temporary construction compounds at Cog Moors Wastewater Treatment Works, Cardiff Road, Dinas Powys
2018/01317/1/N MA	A	Spider Camp, Hayes Lane, Sully	Variation to planning permission 2018/01317/FUL: to amend the layout of Building 4, from 7 units to one complete building for single occupancy, including associated amendments to

			the external elevations and addition of a first floor mezzanine for ancillary offices, reduce building 5 from 7 bays to 6.
2019/00405/1/C D	A	Longlands Quarry, Corntown Road, Corntown, Bridgend	Discharge Conditions 6, 18, 21, 26, 28, 29 ,33, 47, 48, 49, 51, 52, 53 of Planning Permission 2019/00405/FUL - Retention of existing Limestone Quarry and associated plant, ancillary development and infrastructure; proposed relinquishment of consented mineral reserves below lowest current quarry floor level in favour of proposed eastern lateral extension to existing quarry; with progressive restoration of site with inert material to restore site to low level agriculture
2019/00405/2/C D	A	Longlands Quarry, Corntown	Discharge of Condition 45 (Imported topsoil) and Condition 46 (Imported aggregates). Planning approval 2019/00405/FUL - Retention of existing Limestone Quarry and associated plant, ancillary development and infrastructure; proposed relinquishment of consented mineral reserves below lowest current quarry floor level in favour of proposed eastern lateral extension to existing quarry; with progressive restoration of site with inert material to restore site to low level agriculture

2019/01041/3/C D	A	Pencoedtre High School, Merthyr Dyfan Road, Barry	Discharge of Condition 15 (External Lighting). Planning approval 2019/01041/RG3 - Construction of a replacement secondary school building at the site of the existing Pencoedtre High School, sports facilities, and associated works (including landscaping, access and engineering works) along with the demolition of the existing secondary school building at Pencoedtre High School, Merthyr Dyfan Road, Barry
2019/01320/1/N MA	A	8, Gileston Road, St. Athan	Non Material Amendment - To change hip roof to gable end. Planning approval 2019/01320/FUL - A single storey extension to side of existing dwelling to provide additional living room, bedroom and bathroom, along with removal of existing conservatory
2020/00136/FUL	A	Siteserv Recycling, Triple Crown House, Llandow Trading Estate, Triple Crown House, Llandow	Variation of Condition 14 (Details of Acoustic Fence) of Planning Application 2017/00329/FUL
2020/00169/FUL	R	Duffryn Mawr Farm, Pont Sarn Lane, Clawddoch	Relocation of Origin Vets Ltd to temporary portacabin accommodation
2020/00200/1/C D	A	Poundfield Farm, Pound Lane, Wenvoe	Discharge of Condition 3 (Landscaping). Planning approval 2020/00200/FUL - Retention and completion of detached building as garage and store
2020/00200/1/N MA	A	Poundfield Farm, Pound Lane, Wenvoe	Non Material Amendment - Change of double timber door to single door. Planning approval

			2020/00200/FUL - Retention and completion of detached building as garage and store
2020/00216/FUL	A	Monks Wood, Wick	Construction of a composting toilet with disabled access, community notice board (in Monks Wood) and a series of way-finding posts and benches:- Amended plans received- cob oven omitted from application, amended siting of benches and composting toilet, additional information received
2020/00273/FUL	A	Ty Draw Farm, St Athan Road, Picketston	Proposed two storey extension and alterations / additions to existing property
2020/00460/1/N MA	A	Tanglewood, Westra, Dinas Powys	Non Material Amendment - Amend wording of condition 2 to allow the modifications to the existing dwelling. Amend wording of condition 3 to a compliance condition. Amend wording of condition 4 to a compliance condition. Planning approval 2020/00460/FUL - Change of use of part of existing paddock to residential use and associated works for new driveway
2020/00702/1/C D	A	3, Harbour View Cottages, Northcliffe Drive, Penarth	Discharge of Condition 7 (Ecological Enhancement Scheme). Planning approval 2020/00702/FUL - Demolition of existing three-bedroom semi- detached house, construction of a new three

			bedroom house with three parking spaces and associated external works
2020/00741/4/C D	A	Land to the North of the railway, Rhoose	Discharge of Condition 10 (Contamination 6). Planning approval 2020/00741/RG3 - Proposed new primary school and associated works
2020/00742/3/C D	A	St. Davids Church Of Wales Primary School, Colwinston	Discharge of Condition 6 (Contamination 2). Planning permission 2020/00742/RG3 - Proposed replacement primary school including associated works
2020/00742/5/C D	A	St. Davids Church Of Wales Primary School, Colwinston	Discharge of Condition 14 (Footway and car park). Planning approval 2020/00742/RG3 - Proposed replacement primary school including associated works
2020/01132/FUL	A	Benacre, Cowbridge Road, St. Nicholas	Raise the roof height of existing roof to create first floor, front gable extension and rear dormer
2020/01211/FUL	A	Llanfrynach Farm, Llanfrynach Lane, Cowbridge	Change of use of part of agricultural land to A1 use, including provision of vending machine housed in timber building
2020/01237/FUL	A	17, Ashgrove, Dinas Powys	Revisions to application previously approved (ref 2018/00413/FUL)- Rear Single storey extension to garage
2020/01376/FUL	A	Cildarn, St. Athan Road, St. Mary Church	Conversion of existing bungalow to two storey dwelling

2020/01383/FUL	A	Plas Celyn House, St. Brides Super Ely	Garden lodge/pavilion with removal of sub-standard barn
2020/01427/1/C D	A	Glebe Farm, Porthkerry	Discharge of Conditions 3 (Conservation Officer notification), 5a)i) (Details/Additional Details), 7 (Fire Surround Retention), 8 (Utility Room Trial) and 11 (GGAT Written Scheme of Investigation). Planning approval 2020/01427/LBC - Proposed internal alterations and refurbishment, renewal of slate roof, replacement of timber windows, installation of two new windows, repair of external render, replacement of bathroom sanitaryware and associated plumbing, installation of new ground floor WC, removal of partitions to ground floor South wing and new kitchen installation with associated plumbing. Renewal of electrical installation and installation of new heating system. at Glebe (Church) Farm, Porthkerry, Nr. Rhoose
2020/01428/FUL	R	Lily Cottage, The Butts, rear of 10, Westgate, Cowbridge	Conversion of existing holiday let into separate dwelling
2020/01454/FUL	A	Greenland Farm, A48, Bonvilston	Erection of polytunnels for pick your own enterprise with ancillary cafe and toilet facilities
2020/01462/1/C D	A	Whips Cottage, Llandough	Discharge Condition 3 of planning Permission 2020/01462/FUL-Two storey side extension; single storey porch and

			laundry room; removing an existing outbuilding and replacing with new outbuilding
2020/01531/FUL	A	Kingfauns, Cowbridge Road, St. Nicholas	Household extension to include a conversion of existing garage to living accommodation with first floor bedroom above and new single garage adjoining
2021/00041/FUL	A	Barry Island Pleasure Park, Friars Road, Barry	To erect and operate a ride, named Speed 32, to replace an existing ride within the Pleasure Park to replace an existing ride
2021/00054/FUL	R	Penllwyn Cottage, Boverton Road, Boverton	New 3 bedroom 2 storey dwelling to the rear of Penllwyn Cottage
2021/00055/FUL	A	Bank Cottage, Flemingston Road, Flemingston	AMENDED PLANS: Attic conversion comprising of increase in roof ridge height and insertion of roof windows to front and back
2021/00076/1/N MA	A	Groeswen, Cowbridge Road, Llantwit Major	Non Material Amendment - Alteration of the proposed internal layout of the annex; Creation of a small / low level glazed window in the area of the proposed ensuite bathroom; Change in the position of the main entrance to the annex by moving front door to where a window is currently located / moving that window to where the front door is currently located; Slight alteration to the position of 2 out of 4 patio doors / replacement of 2 of the patio doors with a window. Planning permission 2021/00076/FUL -

			Conversion of outbuildings into granny annexe
2021/00108/1/C D	A	Land adjacent to 31, Cedar Road, Eglwys Brewis	Discharge of condition 9 (CEMP). Planning approval 2021/00108/FUL - Substitution of house types - 4 detached two storey houses with 4 detached bungalows
2021/00127/RG3	A	Evenlode Primary School, Evenlode Avenue, Penarth	Replacement canopy - Coniston 35 Aluminium canopy on rear steel goal posts
2021/00132/1/C D	A	Broughton Bungalow, Chapel Road, Broughton	Discharge of Condition 3 (Programme of archaeological work). Planning approval 2021/00132/FUL - Complete refurbishment and redevelopment to include the demolition of the existing single storey garage and the construction of a new side extension, a new part flat roof and part gabled rear extension, a new entrance porch and the raising of the existing eaves and gables with a new half hipped roof to accommodate a dormer loft conversion at Broughton Bungalow, Chapel Road, Broughton
2021/00154/1/C D	A	Larkfield, St. Andrews Road, Dinas Powys	Discharge of Condition 3 (Details / additional details). Previous approval 2021/00154/FUL - Enlargement of existing vehicle access
2021/00156/FUL	R	65, Ffordd Pentre, Barry	Single storey side extension with balcony above

2021/00171/FUL	A	Llantwit Major Rugby Football Club, Boverton Road, Llantwit Major	Proposed two storey extension (renewal of planning permission 2016/00180/FUL)
2021/00174/FUL	A	17, Newbarn Holdings, St. Athan Road, Flemingston	Single storey extension, to provide living accommodation for an ailing dependent. Demolition of existing garage and stables and construction of new horse stables and tack room
2021/00183/FUL	A	Birchcourt, 4, The Butts, Cowbridge	Proposed alterations to include removal of garage and new kitchen/snug extension to ground floor and principal bedroom extension to first floor
2021/00188/FUL	R	Land adjacent to Station Terrace, Station Road East, Wenvoe	Proposed construction of Berm house
2021/00258/FUL	A	3, Church Crescent, St. Hilary	Proposed two storey rear extension featuring a Juliette balcony
2021/00276/1/N MA	A	Gwynfa, David Street, Wick	Change Bi-fold doors to French doors with side lights and add windows to the side of the single storey extension
2021/00279/FUL	R	20, Elm Grove Place, Dinas Powys	First floor extension above existing extension with Juliet balcony to rear and two storey extension to front
2021/00288/PND	A	Celtic Ash, Aberthaw Power Station, The Leys, Aberthaw	Demolition of steel skeleton structure, steel cladding, concrete panels and small office block
2021/00300/FUL	A	318, Barry Road, Barry	Dropped kerb crossover to front of property

2021/00320/FUL	A	190, Colcot Road, Barry	Drop kerb to enable off road parking
2021/00346/FUL	A	Red Oaks Annexe, Upper Farm, Rhoose Road, Rhoose	Single story side extension to existing building to create TV cinema room and additional WC
2021/00348/FUL	A	8, Swanbridge Grove, Sully	AMENDED PLANS: Proposed first floor extension to front above garage. Proposed two story rear extension with Juliet balcony. Proposed orangery to replace existing conservatory. Attic conversion with roof lights. Frosted glass curtain wall to front elevation. Replacement of existing windows and doors. Proposed porch and other alterations
2021/00385/FUL	A	6, Ashby Road, Sully	Single storey side extension to comprise garage boot room and home gym. Existing raised terrace extended to rear. Existing sunken patio to rear removed and lawn extended to boundary at same level as current lawn
2021/00404/FUL	R	7, Wayside Cottages, Cardiff Road, Dinas Powys	Remove current garden and front step and put a new driveway in place
2021/00430/FUL	A	Tynewydd Farm, Livery Stables, Flemingston	Proposed construction of equestrian arena, 30m x 60m (1800m ²) with fibre sand surface and kickboard height fencing from existing grazing paddock
2021/00434/FUL	A	74, Queens Road, Penarth	Proposed three storey rear extension with all finishes to match existing

2021/00435/FUL	A	59, Main Road, Ogmore By Sea	AMENDED PLANS: Demolish existing bungalow and detached garage. Build new two storey house with detached garage
2021/00440/FUL	A	38, Purcell Road, Penarth	Hip to gable rear roof (annexe) as built from as approved proposal 2018/01164/FUL
2021/00441/FUL	A	Mereworth House, Heol-y-cawl Lane, Corntown	Proposed single storey ground floor extension to side elevation, first floor side extension and retention of extended garden area
2021/00446/1/C D	A	Glamorganshire Golf Club, Lavernock Road, Penarth	Discharge of Condition 3 [Method Statement and Risk Assessment] of planning permission: 2021/00446/FU [Refurbishment of existing car park surface to include asphalt finish to access road and parking spaces and grasscrete parking surfaces to overflow area. Upgrade to surface water drainage in accordance with the SUDS approval. Replacement of perimeter fence to whole of Lavernock Road boundary]
2021/00469/FUL	A	9, Stradling Close, Cowbridge	Proposed rear dormer extension to residential property
2021/00472/FUL	A	48, Dunraven Close, Cowbridge	Loft conversion including flat roof rear dormer extension and sloping rooflights to front slope. New roof covering to match existing. Dormer extension finished in zinc cladding to external vertical faces and roof. New small windows

			(with obscure glass) to gable side walls
2021/00488/FUL	A	Saers Court, St. Mary Church	Demolition of existing modern extension and replacement with new extension. New extension to northern annex to create extra bedroom, gym and living area. Three new dormer windows to southern 2 storey wing.
2021/00490/FUL	A	5, Regency Close, Llantwit Major	AMENDED PLANS: Two storey extension to side of existing property, demolition of existing garage and conversion of existing conservatory
2021/00499/FUL	A	16, Colcot Road, Barry	New build two storey extension to right side and rear, extension of porch across front of new build. Right side elevation windows to be frosted glazing. Finishes to external elevations to be render
2021/00501/FUL	R	17, Beechwood Drive, Penarth	Enlarged porch and dormer to front elevation. Ground floor extension and extended dormer to rear elevation
2021/00503/FUL	A	2 Cold Knap Way, Barry	Proposed garage, driveway and garden landscaping. New 5 bar gate to existing access. Proposed extension to existing dwelling to provide entrance porch, side annex to create bedroom and bathroom
2021/00506/FUL	A	16, St Fagans Avenue, Barry	Demolish existing single storey extension to side of dwelling and construct new two storey extension.

			Existing house/new extension to receive render finish. Adjust existing drive to accommodate min. two parking spaces and new vehicle crossover to pavement
2021/00512/FUL	A	27, The Wheate Close, Rhoose	Convert adjoining garage into living/dining room - the wall between the garage and kitchen will be knocked through and a window will replace the garage door
2021/00518/FUL	A	11, Llantwit Major Road, Cowbridge	Two storey side extension to dwelling, new double garage and a garden pod at rear of garden
2021/00522/LAW	A	7, Llandaff Close, Penarth	Proposed replacement conservatory
2021/00525/FUL	A	24, Bryneithin, Dinas Powys	Garden store
2021/00539/FUL	A	48, Port Road East, Barry	Loft conversion with dormers to front and rear
2021/00543/FUL	A	Field behind Court Close in Aberthin, accessed by the lane that extends from Downs View Close	Constructing a semi-permanent polytunnel, measuring 5.5m wide by 17m long. It is made of metal poles, with a timber door frame and a tightly fitted clear polythene cover. Located 2m from our field boundary, and a further 2m from any garden boundary.
2021/00551/FUL	A	45, Castle Avenue, Penarth	Addition of porch to front of house
2021/00559/FUL	A	72, Blackberry Drive, Barry	Construct rear single storey extension and first floor front elevation extension

2021/00561/FUL	A	Field adjacent to and The Coach House, Cwrt Yr Ala Road, Michaelston Le Pit	Installation of underground Ground-Source heat pump pipework
2021/00562/FUL	A	104, High Street, Barry	Change shop front
2021/00565/LAW	A	Stepping Stones, Llancarfan	Internal alterations and refurbishment at ground and first floors to create 3 bedrooms and 3 bathrooms at first floor level and improve the kitchen, dining and living accommodation at ground floor level
2021/00567/FUL	A	208, Westbourne Road, Penarth	Single / two storey rear extension with Juliet balcony
2021/00568/FUL	A	44, Dock View Road, Barry	Proposed property conversion to form 3no self-contained flats with associated external works
2021/00571/FUL	A	52, Romilly Road, Barry	Remove an asbestos corrugated panel garage roof and replace with new useable terrace to form an extension to the existing terrace
2021/00574/1/N MA	A	77, Shakespeare Avenue, Penarth	Non Material Amendment - reduce the size of the side extension. Planning approval 2021/00574/FUL - Demolition of existing conservatory and the construction of a new single storey side and rear extension plus all associated works
2021/00576/FUL	A	Stepping Stones, Llancarfan	New roof dormer with inset balcony, 8 no. conservation type roof windows and 2 no. new windows at first floor level, 1 no. with a Juliet balcony and alterations to enlarge 1 no.

			window. alter 2 no. windows to become glazed doors and 1 no. door to become window at ground floor
2021/00580/ADV	A	Tesco Stores Ltd, Culverhouse Cross	Proposal to install 2 x fascia signs and 1 x graphic vinyl
2021/00582/FUL	A	1, Seys Close, Cowbridge	Two storey extension with continuation of dormer window on the rear side
2021/00585/FUL	A	91, Port Road East, Barry	Demolition of existing garage. Proposed two storey side extension to form a garage, and hallway with 2 bedrooms and bathroom at first floor. Single storey rear extension to form an open plan living and kitchen area together with existing kitchen and dining area extended to the main house
2021/00586/FUL	A	26 Slade Close, Sully	Single storey side and rear extension
2021/00593/FUL	A	7, Nant Talwg Way, Barry	Two storey side extension for granny flat and alteration / addition to fenestration
2021/00597/LAW	A	30, Heath Avenue, Cogan, Penarth	Conversion of garage and internal alterations
2021/00607/FUL	A	132, Fontygary Road, Rhose	Proposed ground floor extension to front; proposed new porch; proposed heightening of roof; new dormer to front; first floor extension to the rear and side and other internal and external alterations

2021/00608/PND	A	Aberthaw Power Station, Pump House Road, West Aberthaw	Proposed Demolition of the trial carbon capture plant comprising of 2 tubular columns used for the recovery and separation of gases, a heat exchanger, a boiler vessel and separator tank, 2 x effluent tanks, a transformer, a control room and a pipe bridge.
2021/00628/FUL	A	Mill Farm, Llandow	Proposed in ground swimming pool and pool equipment shed
2021/00629/FUL	O	Old Cottage Bakery, Rear of 15/16 High Street, Penarth	Demolition of builders store and erection of new three bedroom semi detached dwelling
2021/00630/FUL	A	11, Llandaff Close, Penarth	New conservatory to the rear of existing house
2021/00633/FUL	R	Arvika, Mount Road, Dinas Powys	Two storey side extension and single storey front and rear extensions
2021/00634/FUL	R	Ty Buwch, Bute Lane, Penarth	The partial demolition and conversion of an existing derelict house into 2 no. two bedroom houses with associated car parking
2021/00635/FUL	A	47, Arcot Street, Penarth	Change of use from C3 single residential dwelling to C4 house in multiple occupation totalling 5 bedrooms
2021/00646/FUL	A	24, Robinswood Crescent, Penarth	Demolition of existing utility room. Single storey side extension, bay window to front elevation, 2x new gable dormer windows to front elevation, 1x extended dormer to rear and other external alterations

2021/00648/FUL	A	12, Parklands, Corntown	Change of use agricultural land by creation of an all weather unlit area of 20m x 40m. The area is to sited behind an existing copse and will be enclosed by a wooden post and rail fence similar to existing fence to the copse. The surface will be synthetic fibre and sand
2021/00650/FUL	A	39, Cardiff Road, Dinas Powys	Single storey extension to existing kitchen at the rear of the house. Removal of existing utility room and paved patio area to create a large kitchen dining area. Existing kitchen area to be made into a downstairs toilet and utility room
2021/00652/FUL	A	The Court, Colhugh Street, Llantwit Major	Single storey extensions to the side and rear, including internal and external material alterations
2021/00653/FUL	A	6, Bull Cliff Walk, Barry	Loft conversion with dormer windows, and 3 storey extension to side of house, to include the loft area
2021/00655/FUL	A	Kiva Koti, Llanmaes	Proposed outbuilding
2021/00657/FUL	A	24, Plas Glen Rosa, Portway Marina, Penarth	Proposed removal of existing balconies to front and rear and replace with new balconies to a different design with glass handrailing. Replace existing windows with French doors with glass Juliet balconies
2021/00658/FUL	A	18, Tresilian Close, Llantwit Major	Conversion of existing garage into a fully accessible dependant annex, provision of ramped access and re-modelling of existing dwelling

2021/00660/FUL	A	Fingerpost Farm, Llancarfan	Variation of conditions 2 (plans), 3 (ground levels), 4 (means of enclosure), 5 (landscaping), 7 (Parking) and 8 (Materials) of 2018/00253/FUL - Agricultural enterprise dwelling for the Assistant Training Manager for the horse racing enterprise
2021/00661/FUL	A	5, Plymouth Road, Penarth	a) Replacement of flat fibre glass roof to the rear. New roof will use thicker wooden beams and updated roof surface b) Installation of lantern window to the flat roof, constructed of accoya (long-lasting wood), also painted lamp black
2021/00663/FUL	A	7, Nyth Yr Eos, Rhoose	First floor rear extension with balcony and other alterations
2021/00664/FUL	A	58, Plymouth Road, Penarth	Replace existing main roof and front single storey roof coverings with clay tiles, replace rear single storey roof with concrete tiles, replace existing Velux with new Velux, rebuild chimney stack using salvaged bricks if possible, to existing dimensions, complete with lead DPC
2021/00667/FUL	A	27, Voss Park Drive, Llantwit Major	Side extension to existing bungalow and alterations to West side elevation
2021/00669/FUL	A	60, Plymouth Road, Penarth	Main roof, front low level roof and rear two storey roof: remove existing clay plain tile roof coverings, including felt and battens, and renew with new Redland Rosemary clay

			plain tiles, Smooth Red in colour. Introduce Velux roof window within front roof elevation, located between the dormer and party wall. Two storey chimney stack: remove existing pots and cap over chimney with code 5 lead.
2021/00672/FUL	A	4, Hinchsliff Avenue, Barry	Proposed two storey extension to side and new porch to front of existing domestic dwelling
2021/00676/FUL	A	2, Cae Gwyn, Penarth	To extend to rear of dwelling, new kitchen/breakfast room with decking verandah/steps
2021/00680/FUL	A	5, Plas Gwernen, Barry	Single storey extension to rear elevation
2021/00681/FUL	A	11, Tal Y Bryn, Penarth	Rear dormer loft conversion
2021/00682/FUL	A	3, Heol Yr Ysgol, St. Brides Major	Demolition of existing single garage, erection of two storey side/rear extension, alterations to fenestration and widening of dropped kerb
2021/00683/FUL	R	Santa Clara, 20, Evenlode Avenue, Penarth	Proposed front and rear first floor extensions, with balconies and other internal alterations to property. Renewal and raising of roof line
2021/00685/FUL	A	9, Darren Close, Cowbridge	Removal of existing hipped, glazed conservatory roof. Replace with proposed lean-to roof structure over conservatory and extend to form covered area over patio with all associated external works

2021/00688/FUL	A	77, North Walk, Barry	Two storey side extension. Entrance porch. Loft conversion with dormer on rear
2021/00690/FUL	A	1, Cawnpore Street, Cogan, Penarth	Single storey side/rear extension. Internal remodelling and dormer rear loft conversion with Juliet Balcony
2021/00691/FUL	A	41, Dinas Road, Penarth	Proposed two storey rear extension with Juliet balconies, with single storey pitched roof wrap around side and front porch extension
2021/00692/FUL	A	9, White House, Barry	Installation of a wooden shed on a concrete pad at the end of an existing driveway.
2021/00696/FUL	A	25, Dudley Place, Barry	Proposed single story side extension
2021/00697/FUL	A	90, Lakin Drive, Barry	Proposed single storey side extension
2021/00698/FUL	A	Bay 5 Coffee, Old Lifeguard Station, Promenade, Barry Island	Addition of outside serving space and storage
2021/00700/FUL	A	Ty Garreg, 3, Cardiff Road, Cowbridge	Proposed works consists of a rear two storey extension
2021/00701/LAW	A	8, Vale Court, Cowbridge	New sunroom extension to existing kitchen
2021/00702/FUL	A	71, Stanwell Road, Penarth	Alteration to front boundary wall
2021/00706/FUL	A	12, Cwrt Ty Mawr, Penarth	Proposed single garage and single storey rear extension
2021/00712/FUL	A	Woodlands House, Bonvilston	Conversion of existing garage into ancillary accommodation for family member

2021/00713/FUL	R	Pen Y Bryn, Llanmaes	Proposed Extension to Railway
2021/00714/FUL	A	The Stables, Church Road, Llanblethian, Cowbridge	Changes to window placements and conservatory to the rear elevation
2021/00715/FUL	A	White Ladies, 63, Broadway, Llanblethian, Cowbridge	Single storey rear extension and enlargement of rear dormer changing from pitched to flat roof, with Juliet balcony
2021/00717/FUL	A	38, Wordsworth Avenue, Penarth	Loft conversion to comprise hip to gable and dormer to rear (within existing house footprint), pitched roof over two storey rear extension adjusted. New doors at rear to first floor bedroom complete with Juliet balcony
2021/00719/FUL	A	10, Tewdrig Close, Llantwit Major	Proposed first floor extension, part two storey and single storey rear extension
2021/00721/FUL	A	Greystones, Higher End, St. Athan	Rear and side extension to existing dwelling
2021/00722/FUL	A	2, Tyle House Close, Llanmaes	Proposed garage conversion into habitable living accommodation to comprise of a utility and construction of stairs to a first floor home office. Proposed roof to be pitched to allow for first floor accommodation
2021/00723/FUL	A	Seaview Cottage, St. Athan	Insertion of Velux windows in roof of existing garage/outbuilding

2021/00724/FUL	A	Harvella, Gileston	Proposed remodel of the dwelling including a first-floor side extension above the existing double garage, ground floor rear extension, first floor terrace to front and side and Juliette balcony to front elevation.
2021/00728/FUL	A	2, Merrick Cottages, St. Nicholas	Two storey rear extension with Juliette balcony and internal remodelling
2021/00731/FUL	A	3, Westra Cross, Dinas Powys	New garage door, window, door and patio doors to elevations
2021/00739/FUL	A	Murchfield Community Centre, Sunnycroft Lane, Dinas Powys	A temporary portable building to house an office and storage/display space for local charity Dinas Powys Voluntary Concern.
2021/00742/PNA	R	Rose Paddock, Pont Sarn Lane, Peterston Super Ely	Agricultural building
2021/00743/FUL	A	14, Anchor Road, Penarth	Metal balcony and associated glass balustrade to front of property
2021/00745/FUL	A	103, Minehead Avenue, Sully	Demolish existing conservatory and garage and construct new family room bedroom and wetroom
2021/00746/FUL	A	3, Picton Court, Llantwit Major	Two storey rear extension
2021/00748/FUL	A	Carreg Llwyd, Llancarfan	First floor extension over previous ground floor extension
2021/00751/FUL	A	45, Cedar Way, Penarth	Rear double storey extension with Juliet balconies. First floor window to side elevation.

2021/00755/FUL	A	44, Heol Cae Pwll, Colwinston	Single storey extension to rear elevation
2021/00758/FUL	A	18, Albert Road, Penarth	Erection of garage within the curtilage of property
2021/00761/LAW	A	Annwylfan, St Brides Road	Single storey extension to rear of existing dwelling
2021/00763/OBS	S	Land at Oaklands Farm, Pancross Farm and Redlands Farm near Bonvilston	Solar farm and energy storage (battery) development with ancillary infrastructure across a total area of approximately 126 ha of farmland
2021/00766/FUL	A	19, Oxford Street, Barry	Extend rear of dwelling and raise roof to link to 17 Oxford Street - to incorporate new toilet and utility room
2021/00774/FUL	A	St. Hilary Village Hall, St. Hilary	Alteration to external doors to allow for disabled access
2021/00777/FUL	A	92, Crompton Way, Ogmore By Sea	Single storey extension to the rear of a property with walk on balcony and new glazed access door
2021/00778/FUL	A	65, Plymouth Road, Penarth	Proposed single storey rear extension
2021/00780/FUL	A	Ty Pererin, Colhugh Street, Llantwit Major	Single storey extension comprising a garden room and covered loggia
2021/00783/FUL	A	16, Baroness Place, Penarth	Demolition of existing annex to rear and erection of new ground floor extension, internal alterations and loft conversion
2021/00784/FUL	A	27, Cae Canol, Penarth	Single storey rear extension. Proposed solar panels to rear roof slope. New windows to new and existing

2021/00787/PNT	R	Barry Gymnasium, 8, Paget Road, Barry	Removal of existing 6No. antennas, 6No. RRU units, 2No. equipment cabinets and other ancillary equipment; Relocation of existing 3m sq. free standing support frame c/w yoke bracket; Installation of 6No. replacement antennas, with the height to top of antennas at 16.90m AGL; 15No. ERS units; 2No. replacement equipment cabinets and ancillary equipment thereto.
2021/00790/FUL	A	52, Shakespeare Avenue, Penarth	Proposed single storey rear and side wrap-around extension with associated external works
2021/00797/FUL	A	4, Grassmere Close, Llandough	Two storey/single storey rear extension
2021/00798/FUL	A	83, Castle Drive, Dinas Powys	Single storey side and rear extension
2021/00799/FUL	A	22, Hinchsliff Avenue, Barry	Proposed extension to the side and new porch to front of existing domestic dwelling
2021/00800/FUL	A	12, The Paddocks, Penarth	Demolition of existing sun room. Construction of single storey side extension, first floor side extension over existing garage and utility room/WC, two storey extension to rear of garage and external alterations
2021/00801/FUL	A	59, Harding Close, Boverton, Llantwit Major	Ground Floor extension to rear of house
2021/00802/FUL	A	48, Smithies Avenue, Sully	Proposed first floor extension above the existing porch

2021/00803/FUL	A	17, Caer Worgan, Llantwit Major	Removal of existing conservatory. Proposed wrap around single storey extension to form a garden room, extended kitchen and utility room
2021/00804/FUL	A	The Larches, Caer Worgan, Llantwit Major	Removal of existing conservatory and replacement with single storey extension to provide home office/music room, garden room and storage
2021/00806/LAW	A	92, Cog Road, Sully	Single storey rear extension
2021/00807/FUL	A	11, Tewdrig Close, Llantwit Major	Proposed side extension to provide new garage and utility room. Existing garage converted into study
2021/00808/FUL	A	166, Port Road East, Barry	Wraparound Side and Rear Single Storey Extension
2021/00815/FUL	A	11, Monmouth Way, Boverton	Single storey extension carried out to the rear of the property with French doors to extend kitchen area
2021/00816/FUL	A	Franklin Court, Llanmaes	Garage conversion to incorporate art studio
2021/00817/FUL	A	94, Phyllis Street, Barry	Proposed conversion of the existing loft space including insertion of flat roof dormer at the rear
2021/00819/FUL	A	8, Norwood Crescent, Barry	Single storey rear extension and use of disused garage as part of dwelling and loft conversion with rear dormer and external alterations

2021/00820/FUL	A	3, Tennyson Way, Llantwit Major	Proposed demolition of existing detached garage. Proposed construction of single storey rear extension comprising of additional bedroom, garden room and granny annex
2021/00823/FUL	A	17, Ewbank Close, Barry	Single storey rear extension, loft conversion with rear dormer, new garage and outbuilding in rear garden with rain shelter to side drive
2021/00824/FUL	A	21, Plassey Street, Penarth	Single storey rear extension
2021/00826/LAW	A	6, Somerset View, Sully	Proposed art and craft studio, home fitness gymnasium, and yoga suite
2021/00827/FUL	R	Carreg Las, Redway Road, Bonvilston	Variation of Condition 2 (Approved Plans) of Planning Permission 2020/00381/FUL: Proposed new dwelling
2021/00828/FUL	A	Baruch, Fort Road, Lavernock	Removal of existing pitched roof structure to allow new first floor flat roof extension, including minor internal and external works
2021/00833/FUL	A	25, Station Road, Penarth	Single storey ground floor extension to existing kitchen. Alterations to fenestration of existing rear dormer, including the creation of a Juliet balcony
2021/00834/LAW	A	32, Romilly Road, Barry	Current doorway, window and also an old lean to conservatory on the side of the house to be removed and an opening of 3.7m wide and 2.3m high made and bi-folding doors fitted

2021/00835/FUL	A	6, Oakwood Close, Llandough, Penarth	Two storey side extension. Existing garage demolished and rebuilt in new position
2021/00842/FUL	A	94, Pontypridd Road, Barry	Ground floor rear extension, to allow for a wheelchair access bedroom and shower room
2021/00850/FUL	R	1, Pioden For, Barry	Form balcony off 3rd floor bedroom with glass balustrade to rear of property
2021/00853/FUL	A	Parkmount, Bridgeman Road, Penarth	Demolition of existing side conservatory and replacement with orangery and alterations to existing balcony
2021/00855/FUL	A	68, White Farm, Barry	Single storey extension to rear of existing domestic dwelling
2021/00856/LAW	A	23, Britway Road, Dinas Powys	Demolition of existing single storey extension and proposed replacement single storey extension to rear of existing dwelling, alterations to fenestration
2021/00857/FUL	A	Riverside Cottage, Wine Street, Llantwit Major	Variation of Condition 2 (Approved Drawings) of Planning Permission Ref. 2019/00562/FUL: Demolish part of existing roof to create a new balcony and new glazed extension to the main elevation
2021/00858/FUL	A	Meadow Way, St. Andrews Road, Dinas Powys	Erection of single storey flat roof extension and external alterations
2021/00859/FUL	A	23, Crompton Way, Ogmore By Sea	Loft conversion with rear dormer

2021/00864/FUL	A	13, Clive Place, Penarth	External alterations to the rear elevation and the replacement of the existing upvc windows with timber box sash windows
2021/00869/FUL	A	22, Coed Bach, Barry	Proposed single storey side extension to form a store and playroom / home working extension
2021/00871/FUL	A	1, Pendoylan Close, Barry	Proposed two storey extension to side of existing domestic dwelling
2021/00874/FUL	A	17, Whitmore Park Drive, Barry	Single storey side extension for utility area and downstairs WC
2021/00879/FUL	A	15, Plassey Street, Penarth	Demolition of existing garage. Form new garage / storage and garden studio / office
2021/00881/FUL	A	Pear Tree House, Llysworney	Internal alterations, including conversion of existing garage into extended kitchen with new bay window. Proposed new single garage and storage area
2021/00885/FUL	A	Holmhurst, Southra, Dinas Powys	Hip to gable loft conversion with balcony area
2021/00886/FUL	A	22, Plassey Street, Penarth	Single storey rear extension
2021/00888/FUL	A	8, Leigh Close, Boverton	Proposed single storey rear extension
2021/00896/FUL	A	1, The Nurseries, Fontygary Road, Rhoose	Rear ground floor extension and side canopy over pine end door
2021/00913/LAW	A	Millwood, Pen-Y-Turnpike Road, Dinas Powys	Demolition of existing conservatory to the rear elevation. Construction of single storey rear extension with pitched roof.

			All wall and roof finishes to match main dwelling.
2021/00915/LAW	A	The Meadows, St Hilary	Single storey rear extension
2021/00925/FUL	A	11 Dyfrig Street, Barry	Proposed rear extension and rear dormer loft conversion
2021/00932/FUL	A	46, Clos Yr Wylan, Barry	Retrospective application for a timber outbuilding, used as a home gymnasium, located at the rear of the property
2021/00944/FUL	A	58, Cae Newydd, St Nicholas	Orangery to rear elevation
2021/00954/LAW	A	72, Brookfield Avenue, Barry	Proposed single storey side extension to ground floor to provide ground floor WC and storage / workshop area
2021/00994/PNA	A	Llanfrynach Farm, Cowbridge	Agricultural shed

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 1 SEPTEMBER 2021

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2021/00603/TPO
Appeal Method: Written Representations
Appeal Reference No: T/21/3279042
Appellant: Mrs. Diane Prosser
Location: 27, Pwll-Y-Myn Crescent, Peterston Super Ely
Proposal: Works to trees covered by Tree Preservation Order No.2 of 1959: Removal of Two Scots Pine Trees (T1 and T2)
Start Date: 23 July 2021

LPA Reference No: 2021/00718/FUL
Appeal Method: Written Representations
Appeal Reference No: D/21/3278771
Appellant: Patricia Turner
Location: 11, Plas Glen Rosa, Penarth Portway, Penarth
Proposal: Single storey rear extension
Start Date: 29 July 2021

LPA Reference No: 2020/01533/FUL
Appeal Method: Written Representations
Appeal Reference No: D/21/3279504
Appellant: Andrew and Elin Osmond
Location: 38, Wordsworth Avenue, Penarth
Proposal: Loft conversion comprising hip to gable and dormer to rear. Doors to current first floor rear elevation to be widened
Start Date: 30 July 2021

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

LPA Reference No: 2020/01530/FUL
Appeal Method: Written Representations
Appeal Reference No: 21/3273339
Appellant: Mr Matthew Courtney
Location: 33, Station Road, Penarth
Proposal: Erection of a one bedroom house and associated development thereto
Decision: Appeal Dismissed
Date: 16 July 2021
Inspector: J Tudor
Council Determination: Committee

Summary

The main issues were considered to be the effect of the development on the character and appearance of the area, whether living conditions would be acceptable with regard to private outdoor space, the effect on neighbouring occupiers and the contribution towards affordable housing.

Character and appearance

The appeal site comprised a piece of land on the corner of Station Road and Station Terrace. Although the one-bedroom house would respect the front building line along Station Terrace, its ground floor would breach the building line of properties fronting onto Station Road and would occupy a previously open, unbuilt area with a built form that would compromise the existing sense of spaciousness. Its form, scale and position would therefore appear prominent and incongruous in its corner setting, to the visual detriment of the street scene and conflict with policies MD2 and MD5 of the LDP.

Living conditions of future occupiers

The main garden space would be shallow and positioned to the front of the dwelling next to public footways and highways which would lack privacy and discourage its use and higher boundary screening would be likely to have a negative enclosing and confining effect on users.

Other dwellings with small courtyard gardens referred to by the appellant were to the rear of properties and were considered by the Inspector likely to offer more privacy than an area of outdoor space to the front. The nearest park or open space was 400m away and the Inspector was not persuaded that this mitigated the shortfall in outdoor space. It was therefore concluded that the proposed development would not provide acceptable living conditions for future occupiers, with regard to sufficient private outdoor space, contrary to policy MD2 and the SPG.

Living conditions of neighbouring occupiers

The Inspector noted that the appeal site was intended to form part of the gardens for two dwellings resulting from the conversion of 33 Station Road and the Council considered that the proposed development would lead to a reduction in that garden space and have an adverse effect on outlook for the existing occupiers. Although below current SPG standards, those dwellings would retain side garden spaces of about 58m² and 50m², respectively and given the remaining gardens would not appear significantly dissimilar in size to rear gardens along Station Terrace, they were considered to be sufficient.

The proposed development would however introduce 5m high elevations at its northeast corner, within about 3m of a ground floor opening within the flank elevation of 1 Station Terrace and as a result, would have an overbearing effect on those neighbouring occupiers and be likely to result in a loss of natural light to that opening. The Inspector therefore concluded that there would be a significant adverse effect on the living conditions of occupiers of 1 Station Terrace, with regard to outlook and loss of natural light, contrary to LDP policy MD2.

Affordable housing contribution

The Inspector acknowledged the relevant LDP policy and SPG and that a contribution of £27,770.40 to fund the provision of off-site affordable housing would be acceptable. Although the appellant had indicated a willingness to make such a contribution and had supplied a draft Unilateral Undertaking (UU), there was no confirmation that its form and content had been approved by the Council and it had not been executed. The proposal therefore failed to make the necessary contribution to affordable housing, contrary to the requirements of the LDP and supporting SPG.

Planning Balance and Conclusion

Whilst the Inspector acknowledged that the development would contribute to the supply of housing in a sustainable location and there would also be some economic and social benefits, these would be relatively modest and would not outweigh the harm identified to the character and appearance of the area and to the living conditions of future and neighbouring occupiers, which conflicted with the LDP. It was therefore concluded that the appeal should be dismissed.

LPA Reference No:	2021/00181/FUL
Appeal Method:	Written Representations
Appeal Reference No:	D/21/3275598
Appellant:	Mr. Alan Newton
Location:	51, Amherst Crescent, Barry
Proposal:	Proposed first floor extension over existing garage with Juliet balcony to front elevation, additional window to first floor rear elevation
Decision:	Appeal Dismissed
Date:	21 July 2021
Inspector:	J Townsley
Council Determination:	Delegated

Summary

The main issue was considered to be the effect of the proposed development on the living conditions of the occupiers of No. 49 Amhurst Crescent with particular reference to outlook.

The appeal dwelling was on the eastern side of the pair of semi-detached dwellings with a row of terraced dwellings to the east, with No. 49 Amhurst Crescent being the nearest. The proposal was for a first floor extension over the existing garage with Juliette balcony to the north elevation and an additional window to first floor south elevation. The extension would span the full width of the existing garage with a setback of approximately 0.5 metres from the southern elevation but would extend the first-floor element of the host dwelling to within approximately 1 metre of the boundary with No. 49.

Whilst the Inspector noted that attempts have been made to reduce the impact of the proposal on the outlook from No. 49 from a previously refused scheme it was identified that the area of greatest mass of the side extension would still fall in line with the southern elevation of No. 49, the windows on that elevation and the amenity space which fell adjacent to the southern elevation. It was considered that the introduction of a first-floor element in this location would have an overbearing impact on the outlook from the neighbouring dwelling and garden and the presence of a modest shed in the garden of No. 49 would not ameliorate the impact of the proposed extension.

It was therefore concluded that as a result of its scale, siting and the depth of projection past the neighbour's rear elevation, the proposed extension would have an unacceptable impact on the living conditions of the occupiers of No. 49. It would fail to safeguard residential amenity and therefore be contrary to policy MD2 of the LDP and Residential and Householder Development SPG. Whilst the occupier of No. 49 had not objected to the proposal, the Inspector confirmed that she had assessed the appeal objectively and had to be mindful of the impact of the development on the living conditions of future occupiers. It was therefore concluded that the appeal should be dismissed.

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
Decision:	Appeal Dismissed
Date:	22 July 2021
Inspector:	A Thickett
Council Determination:	Delegated

Summary

The main issue was considered to be whether the proposed development conflicted with policies designed to protect the countryside.

The appeal site was in the open countryside less than a mile to the north east of Cardiff Airport and the barn was converted to a dwelling following the grant of planning permission in 2004. The Inspector identified the most relevant policy as MD11 of the LDP, which requires re-use to be achieved without substantial reconstruction, extension or alteration that unacceptably affects the appearance and rural character of the building or its setting. Similarly, the Council's SPG on 'Conversion and Renovation of Rural Buildings' was given significant weight and it was considered that whilst the barn had been in residential use for some time, the objectives of Policy MD11 and the SPG would be undermined if they did not continue to apply post conversion.

The proposed development would almost double the size of the building and the Inspector considered that in terms of mass, this was not a minor addition or subordinate in scale and therefore constituted substantial new-build elements, contrary to Policy MD11 and the SPG. Whilst it was noted that the conversion of The Barn was sympathetic to its historic function, the proposed extensions would swamp The Barn, severely compromising its rustic simplicity and modest origins and would materially alter the character of the existing building to its detriment. As The Barn was visible from the south and to the occupiers of the adjoining properties, the harm to the form and appearance of The Barn would be detrimental to the appearance and rural character of the building and the character and appearance of the area.

Other matters

Whilst the appellant referred to extensions to the property permitted in 2005 which would have been larger than the current proposals the Inspector noted that permission has long since lapsed and were granted before the adoption of both the LDP and SPG. The Inspector considered photographs of the site prior to the conversion showing outbuildings to the north and the appellant's circumstances but considered that harm identified would continue long after these personal circumstances ceased to be material.

Conclusions

It was therefore concluded that the proposal did not comply with Policies MD2 and MD11 of the LDP and that the appeal should be dismissed.

LPA Reference No: 2020/00353/FUL
Appeal Method: Written Representations
Appeal Reference No: D/21/3273742
Appellant: Mr & Mrs Majewski
Location: 2, Bramble Rise, Cogan, Penarth
Proposal: Two storey extension to side elevation of property and extended curtilage
Decision: Appeal Dismissed
Date: 28 July 2021
Inspector: J Tudor
Council Determination: Delegated

Summary

The main issues were considered to be the effect of the proposed development on the character and appearance of the host dwelling and the area and highway safety on the adjacent road network.

Character and appearance

The appeal property comprised a two-storey, three-bedroomed at the end of a row of three pairs of similar houses. To the north-west is a relatively sizeable semi-circular area of green space, which accommodates a footway and divides the property from the road that loops around the house and its front and rear gardens. There are three other similar areas of green space on nearby corners which form a pattern and help to provide a sense of openness and space which contributes positively to the character and appearance of an otherwise built-up estate.

The proposed extension and garden area to its side would extend into the adjacent green verge area. Whilst the appellant submitted that the existing open green area and footway would remain and that it was not a formal recreational space, the Inspector considered that it would result in a material incursion of built form into the green roadside area, which would significantly diminish the existing sense of openness and space. Furthermore, the proposed sizeable addition at the end of the row, would imbalance that regularity of form and design and be to the visual detriment of the existing dwelling and the group and the increase in massing on a prominent corner would have an adverse visual impact on the street scene. It was not considered that the design and use of matching materials to complement the existing dwelling and others in the area would be sufficient to mitigate the negative impacts identified and the use of conditions would not make the proposal acceptable.

The Inspector therefore concluded that the proposed development would have an adverse effect on the character and appearance of the host dwelling and the area and be contrary to policies MD2 and MD5 of the LDP.

Highway safety

Whilst the Council had expressed concern that the proposed development would obstruct forward visibility for road users and thereby have an adverse effect on highway safety, the Inspector considered that the interaction between street geometry, forward visibility and driver behaviour was

complicated and the effects were likely to vary depending on the particular context.

Given the road layout, steep gradient, the occasional presence of buses and the possibility of pedestrians crossing the road, the Inspector considered that drivers traversing the bend would exercise a reasonable degree of caution. Therefore, whilst the illustrative plan indicated some interference in forward visibility, the Inspector was not persuaded that there would be a significant effect on highway safety and it would therefore comply with the requirement in LDP policy MD2.

Planning Balance and Conclusion

Given the appellant's submissions regarding personal circumstances, the Inspector confirmed that they had regard to the Human Rights Act 1998, including Article 8 which concerned the right for private and family life and the home to be respected, together with Article 1 of the First Protocol relating to the protection of property. However, it was confirmed that those rights were qualified rights and interference in them may therefore be considered necessary if it related to the regulation of land use through development control measures, which is recognised as an important function of Government.

The Inspector considered that the existing dwelling was a 3-bedroomed, semi-detached house, which offered a reasonable level of accommodation. Whilst considering the need for home-working and home-schooling during the pandemic, those requirements were likely to be temporary in nature, the benefits and the particular circumstances of the appellants, they were not sufficient to outweigh the harm identified to the character and appearance of the host dwelling and the area and there would be conflict with the LDP, considered as a whole. There were no material considerations sufficient to justify a decision other than in accordance with the development plan and it was therefore concluded that the appeal should be dismissed.

LPA Reference No:	2020/01467/FUL
Appeal Method:	Written Representations
Appeal Reference No:	21/3275640
Appellant:	Mr Anthony Pritchard
Location:	Land adjacent The Lindens, Bradford Place, Penarth
Proposal:	New predominantly single storey dwelling with recessed two storey element
Decision:	Appeal Dismissed
Date:	3 August 2021
Inspector:	R Duggan
Council Determination:	Delegated

Summary

The main issues were considered to be the effect of the development on protected trees and whether the development would conflict with policy requirements relating to affordable housing provision.

Protected Trees

The Inspector identified that the appeal site contained a large number of TPO trees which would be in close proximity to the proposed dwelling. The appellant had submitted a survey of the condition of the trees and a Tree Constraints Plan, which showed the extent of the root protection areas (RPAs) and canopy spread of the trees on site.

It was identified that a significant proportion of the house and garden would be under the canopies of trees, however the appellant had prepared a Daylighting and Amenity Space Analysis which concluded that sufficient natural light would enter the property through a combination of gaps in the canopies and the design of the house that would let light in via the courtyard and the use of roof lights.

The Inspector considered that it was inevitable that adjacent trees which would shade the property throughout the year would have a dominating effect on the house. Prospective purchasers of the new house would know what they would be letting themselves in for with regard to the shading and may also be content with a garden dominated by trees and habitable rooms that have lower levels of natural light. However, longer-term, it was considered that occupants would become increasingly annoyed with the dominating presence and significant shading provided by the trees and there would be increasing pressure for works to be undertaken to the trees to prevent nuisance or where the living environment was unduly gloomy.

It was therefore concluded that the close proximity of the house to the trees would have an overbearing and dominating impact, to the detriment of the living conditions of future occupiers. The development would necessitate works to the adjacent protected trees to enable the proposed development and would result in pressure for future works, including potential felling. The Inspector therefore concluded that the proposed development would have a harmful impact on the protected trees which would significantly harm the character and appearance of the area. Having regard to the duty imposed by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, it was considered that the proposal would neither preserve or enhance the character and appearance of Penarth Conservation Area and also conflict with Policies MD2 and MD5 of the LDP.

Affordable Housing

The Inspector acknowledged the relevant SPG and that a contribution of £27,770.40 to fund the provision of off-site affordable housing would be required. Whilst the appellants had submitted a Unilateral Undertaking with the appeal confirming that they would agree to pay the requisite amount, the Inspector considered that the willingness of the appellants to put forward a

financial contribution towards affordable housing would not overcome the harm that had been identified above.

Conclusions

It was concluded that the harm that had been identified in terms of the first main issue was unacceptable and the appeal was therefore dismissed.

LPA Reference No:	2020/00142/FUL
Appeal Method:	Written Representations
Appeal Reference No:	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
Decision:	Appeal Dismissed
Date:	11 August 2021
Inspector:	P J Davies
Council Determination:	Delegated

Summary

The main issue was considered to be the effect of the proposed development on the character and appearance of the Penarth Conservation Area.

The Inspector identified that the appeal property was a mid-terrace house in an attractive predominantly stone Victorian terrace which had seen other large flat roof dormer additions to the front roof slopes, which generally detracted from its appearance. It was also evident that the more recent dormer additions replaced smaller ornate single dormers, some of which remained, including at the appeal property.

It was considered that the more recent roof alterations had influenced the character and appearance of the terrace, however there was a visual balance remaining which highlighted the architectural integrity of the original dormers and distinguished the modern dormers as patently poor examples to follow. The proposed dormer would span most of the width of the roof and be a visually discordant form of development that failed to respect the character and appearance of the existing building and taken cumulatively with the other roof alterations, would significantly compound the loss of character and visual damage to the terrace as a whole.

Although the Inspector's attention was drawn to other dormer developments beyond the immediate setting of the appeal property, many of these were also poor examples and had damaged the roof scape. The Penarth Conservation Area Appraisal Management Plan recognised the problem of insensitive alterations to buildings and the need for continued control. It was considered that the overall effect of these dormers on the Conservation Area was dispersed and they did not define the character or appearance of the area to the extent that the harm arising from the proposal would be justified.

It was therefore concluded that the proposal would be harmful to the character and appearance of the area and it would fail to preserve the character or appearance of the Conservation Area contrary to Policies SP10, MD2, MD5 and MD8 of the LDP and the Residential & Householder Development SPG and the appeal was is dismissed.

LPA Reference No:	2021/00695/FUL
Appeal Method:	Written Representations
Appeal Reference No:	21/3278175
Appellant:	Mr Steve Butler of Sol Environment Ltd
Location:	Barry Biomass Facility, David Davies Road, Barry, CF63 4JE
Proposal:	Erection and use of a fire water tank
Decision:	Non-Validation Appeal Allowed
Date:	20 July 2021
Appointed Person:	Robert Sparey
Council Determination:	Delegated

Summary

The appeal was made under section 62ZB of the Town and Country Planning Act 1990 against a notice of invalidity issued by the Council in respect of application 2021/00695/Ful for the erection and use of a fire water tank.

The Appointed Person noted that Barry Biomass Facility was subject to a complex planning history and confirmed that the Non-Validation Appeal system was not an appropriate mechanism for resolving issues of whether a previous planning permission had been lawfully implemented, what the optimum consenting strategy for a proposal was, or whether a proposal was 'EIA development' under the relevant Environmental Impact Assessment Regulations. The appeal only dealt with whether the submitted S73A application was validly made and whether the notice of invalidity was properly served.

The Council had stated that it considered the development as built to be unauthorised and that to regularise the whole development as built would require planning permission for a generating station. However, the Appointed Person considered that the application as submitted did not seek permission for the whole development, but specifically for a fire water tank and did not therefore include an application for a generating station. In accordance with Section 62ZA(2) and 62ZA(3), a notice of invalidity must contain requirements imposed under section 62 of the 1990 Act, pertaining to the application that has been submitted and set out the LPA's reasons for thinking the application did not comply with it. It was not for the LPA to refuse to validate an application of one type as they considered that another type of application should be made.

It was a matter for the LPA if it considered that the application as submitted would fail to regularise the existing facility, but a notice under S62ZA was not the appropriate mechanism for such an informative and the requirements for such a notice were clearly defined in the 1990 Act. A requirement to submit a different type of application to a S73A application was not a validation requirement imposed under section 62 of the 1990 Act and the appeal under Ground (2)(c) therefore succeeded.

Conclusion

It was concluded that the notice as drafted did not contain any reference to a validation requirement for the type of application submitted it should be quashed. As the appeal under Ground (2)(c) succeeded, there was no requirement for the other grounds to be considered.

The Appointed Person confirmed that his conclusions related solely to the matters before him and did not fetter the LPA's determination of the S73A application, nor the execution of their duties under Regulation 11 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (as amended) should they consider that the S73A application should have been accompanied by an Environmental Statement, or Regulation 24 of those Regulations should they consider that an Environmental Statement had been provided, but it failed to satisfy the requirements of Regulation 17.

(d) Enforcement Appeal Decisions

LPA. Reference No:	ENF/2020/0208/PRO
Appeal Method:	Written Representations
Appeal Reference No:	C/21/3273028
Appellant:	Mrs Jillian Lias
Location:	98, South Road, Sully
Proposal:	Without planning permission, the installation of a 1.8-metre-high (approximately) wooden fence along the front boundary of the Property
Decision:	Appeal Allowed
Date:	3 August 2021
Inspector:	R Duggan
Council Determination:	Committee

Summary

The appeal was allowed, the enforcement notice was quashed and planning permission was granted for the installation of a 1.8-metre-high wooden fence subject to a condition requiring a scheme of soft landscaping to be planted.

The main issue was considered to be the effect of the development upon the character and appearance of the street scene. The Inspector identified that

appeal property was located in a mainly residential area, the appearance of which was mixed, with no particular obvious or distinctive defining characteristics. The boundary treatments in the locality were varied, from low fencing or low walls in brick or stone, some having hedges above, or were wholly formed of hedging and other timber fencing that appeared to be taller than the appeal fence.

The fence was situated at the back of the footway and was about 1.8 metres in height, bounding the property's front and side garden and in the Inspector's opinion, the fencing did not look out of place as there was a variety of boundary treatments in the immediate vicinity of the site. Although the fencing altered the appearance of the site boundary when viewed from South Road, it was not considered to be unduly incongruous in a street scene.

The Inspector also identified that there were examples of timber fencing of comparable height and higher than the appeal fence which gave the appeal site's surroundings a mixed character. Whilst the principles of the Council's stance were acknowledged, the Inspector considered that the boundary fencing reflected an appropriate approach to achieve secure and private amenity space for the residents, whilst not harming the appearance of the street.

It was considered that the fencing was presently a noticeable feature in the street scene, however the natural weathering processes would lessen the visual impact of the fence in the street scene and some form of planting scheme would also provide some greenery over the fence and could be required by a planning condition. It was therefore concluded that the development did not harm the character or appearance of the street scene and satisfied the requirements of Policies SP1, MD2 and MD5 of the LDP.

Other Matters and Conclusions

It was concluded that a condition requiring a landscaping scheme should be imposed and the appeal on ground (a) therefore succeeded, the enforcement notice was quashed and planning permission was granted for the retention of the wooden fence.

(e) April 2021 – March 2022 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	12	2	14	-
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		12 (86%)	2 (14%)	14	
Committee Determination		1	1	2	-
Other Planning appeals (inc. appeal against a condition)		-	1	1	-
Enforcement Appeals	W	-	1	1	-
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		(0%)	1 (100%)	-	-
All Appeals (excludes non validation appeals)	W	12	3	15	-
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		12 (80%)	3 (20%)	15	-

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 : 1 SEPTEMBER, 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
 E Split Decision
 R - Refused

2021/00342/TPO	A	St. Quentins House, Llanblethian	Works to trees covered by TPO 1973 No. 7, at side and in rear garden of house
2021/00395/TPO	A	10, Ger Y Llan, St Nicholas	Works to trees covered by TPO No. 09 2009-T.1 Cherry - Overall crown reduction of approximately 2m. T2 Sycamore - Fell
2021/00553/TPO	A	Wenvoe Manor, Port Road, Wenvoe	Work to trees covered by Tree Preservation Order 1954, No. 04 - Fell Field Maple (T2) and fell Ash (G2 - x12)
2021/00556/TCA	A	Rowans, Llanbethery	Works to tree in Llanbethery Conservation Area: Sectioning down and removal of one sycamore tree (T1)
2021/00638/TPO	A	Friars Point House, Barry Island	Works to trees covered by TPO No.14 of 2000: Sectioning down and removal of one Holm Oak (T1); Reduction off

			property of a line of Holm Oak and fire damaged Holm Oak (G1); Removal of two Scots Pine trees which have partially failed (T2) and (T3); Removal/reduction of overhanging branches to entrance building (G2)
2021/00737/TCA	A	Friars Point House, Barry Island	Works to trees within the Barry Marine Conservation Area - Sectioning down and removal of one Holm Oak (T1); Reduction off property of a line of Holm Oak and fire damaged Holm Oak (G1); Removal of two Scots Pine trees which have partially failed (T2) and (T3); Removal/reduction of overhanging branches to entrance building (G2)
2021/00740/TPO	A	Ty Uchaf, Drope Road, St. Georges Super Ely	Work to trees covered by Tree Preservation Order No. 10, 2008 - Remove a row of 10 conifers growing on the boundary between our garden and the neighbouring field. Cut down a silver birch
2021/00765/TPO	A	35, Millbrook Road, Dinas Powys	Work to tree covered by TPO No.14 of 1973: Remove conifer tree located at the front of the property next to a retaining wall
2021/00768/TCA	A	The Old Brewery, Cowbridge	Works to tree(s) in a Conservation Area: Fell 2 X Larch-Larix and 8 X Ash trees
2021/00796/TCA	A	Brooklands, Millbrook Road, Dinas Powys	Work to tree(s) in a Conservation Area: Various pruning works

2021/00812/TCA	A	Church Cottage, Bonvilston	Work to tree(s) in a Conservation Area: Removal of cluster of beech trees. These trees are a lapsed hedge row. removal of trees in order to replace with hedging plants
2021/00837/TCA	A	30, Clive Place, Penarth	Work to tree(s) in a Conservation Area: 3 x conifers - fell to ground level
2021/00838/TCA	A	10, Hickman Road, Penarth	Work to tree(s) in a Conservation Area: T2 - birch - reduce height by up to 4m and shape; T3 - ash x 2 - fell to ground level; T4 - Birch - minor reduction and tidy up previous reduction and shape
2021/00839/TCA	A	10, Marine Parade, Penarth	Work to tree(s) in a Conservation Area: T1 - dead cherry - fell; T2 - (G2) sycamores x 3 and hornbeam - repollard to previous points
2021/00849/TPO	A	6, Park Road, Penarth	Works to trees covered by Tree Preservation Order - No. 9. 2015 - T1 - Cherry, reduce crown and cut back away from street lighting; T2 - Birch, reduce crown by 30%; T3 - Pear, reduce end weighted limbs
2021/00868/TCA	A	Stepaside, Peterston Super Ely	Work to trees in Peterston Super Ely Conservation Area: Five Ash trees with evidence of Ash die back to be dismantled and cut close to ground level in front garden

2021/00897/TPO	A	The Old Forge, Britway Road, Dinas Powys	Work to trees covered by Tree Preservation Order, 1973, No 14 - Fell and replace T1 Sycamore; Fell and replace T2 Sycamore; Fell and replace T3 Sycamore and Fell G1 Lawson and Leyland Cypress hedge line
2021/00919/TCA	A	Swyn y Coed, St Nicholas, Cardiff	Work to trees in St. Nicholas Conservation Area: T1 Magnolia- remove major limbs extending over Well Lane leaving small canopy of secondary branches; T2 Beech- crown raise over road and garden to 5m approx.
2021/00920/TCA	A	The Croft, Llangan, Bridgend	T1 - Eucalyptus- side prune/ reduction by 10-15%
2021/00922/TCA	A	48, Westbourne Road, Penarth	Work to trees in Penarth Conservation Area: Fell a maturing 8m deciduous tree in the front garden
2021/00927/TCA	A	5 Maes y Felin, Llandow	Work to trees in Llandow Conservation Area: T1 Ash - declining due to ash die back, cut back to pollard, T2 small Prunus - reduce by 50%, T3 Sycamore - light crown raise/reduce limbs overhanging garden by 2-2.5 m, T4 Ash - remove small self sown ash tree, T5 Copper Beech - remove deadwood and reduce crown
2021/00928/TCA	A	Whitecroft, Llandow, Cowbridge	T1 - Cypress - removal, T2 - Cypress - 1/3 reduction

2021/01018/TCA	A	Pond Villa, Llanmaes	Work to trees in a Conservation Area : Taking down and removal of diseased Ash tree located in rear garden of property. The tree stump will remain
2021/01068/TPO	A	3, Broadway Green, St. Nicholas	Work to tree(s) in a Conservation Area : Works to dangerous tree (Q210429.7). Pollard a semi mature Sycamore tree in rear garden
2021/01096/TCA	A	Wenvoe Library, Old Port Road, Wenvoe	Work to tree(s) in Wenvoe Conservation Area: To remove part of multi stem field Maple
2021/01098/TCA	A	St. Marys Church, Old Port Road, Wenvoe	Work to tree in Wenvoe Conservation Area: Laurel tree to be trimmed to prevent it from hanging over Walston Road

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 1 SEPTEMBER, 2021

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. ENFORCEMENT ACTION

LAND AND BUILDINGS AT BARRY BIOMASS, WOODHAM ROAD, BARRY

Background

1. This report seeks authorisation to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) in respect of the development which has been undertaken at the Barry Biomass site, in Woodham Road, Barry. The site is located to the north-east of the industrial units along Woodham Road with access off David Davies Road and has undergone extensive re-development to provide the biomass facility.



2. The redevelopment of the site to provide a wood fuelled renewable energy plant has attracted a significant amount of public and media interest which has been evident through both the level of objection which was raised in opposition to the original scheme and the very active public interest and scrutiny that has been given to the development undertaken on site.
3. The Council has investigated a number of complaints that have been received regarding the site since 2016, when the construction of the Biomass facility commenced and initially these related to construction issues including noise, dust, hours of construction and air quality which had been conditioned under

the outline application 2015/00031/OUT. In 2017, a complaint was received that works had commenced on site prior to the determination of planning application 2017/01080/FUL, which had sought a variation to condition 5. of 2015/00031/OUT to include a fire water tank and associated building, as well as the relocation of parking. Following the developer's decision to withdraw that application and to complete the development in accordance with the outline consent (2015/00031/OUT), it became apparent through the complaints that were received and the investigations undertaken including a site inspection in July 2020, that there were a number of discrepancies between the consented scheme and that which had been built. These include differences between the approved layout and elevation plans, the provision of additional structures, plant and equipment and the extension of the site to the north.

4. Correspondence was sent to the developer in July 2020 confirming the variances that had been identified with the approved plans and a revised layout plan was submitted by the developer in December 2020 identifying the locations where changes had occurred. Following the receipt of legal advice, the Council wrote to the developer in January 2021, confirming that a Section 73A application should be submitted to regularise the whole development, however the developer has maintained the position that the outline and reserved matters applications (2015/00031/OUT and 2016/00187/RES) have been lawfully implemented and the discrepancies could be remedied through Non-Material Amendment (NMA) or Section 73A applications limited to the individual structures. On 12th May 2021, the developer submitted a retrospective Section 73A application for the fire water tank that has been constructed (2021/00695/FUL), however no further NMA or Section 73A applications have been received for the remaining structures which therefore remain unauthorised. The developer was contacted again on 9th, 12th, and 16th August 2021 regarding the performance testing that has recently been undertaken and advised that the current facility was considered to be unauthorised and in the absence of the development being fully regularised, it was likely that enforcement action would be taken to stop the facility from becoming fully operational. Despite protracted correspondence with the developer and their initial acceptance of the differences with the scheme that had been approved, the existing development has however failed to be regularised.
5. It has been confirmed by NRW that an environmental permit is in place which enables the developer to commence operations and performance testing has also recently been undertaken in preparation for the continuous operation of the facility. In the absence a fully consented scheme against which enforcement action could be pursued in respect of breaches of necessary and important conditions, it is the Council's view that it would be expedient to take action at this stage to prevent the possibly unauthorised development from becoming fully operational and potentially lawful. It is therefore considered that such action is expedient in order to protect the Council's position in relation to any further enforcement action that may be required to control the development through the imposition of the necessary conditions and thereby safeguard residential amenity and public safety in the future.

6. Alongside the Council's investigation of complaints regarding the site, a separate but related issue has been raised in relation to whether an Environmental Impact Assessment (EIA) was required for the development undertaken at the Biomass site. At the time the outline application 2015/00031/OUT was under consideration, the Council screened the proposed development and concluded that EIA was not required. Following a request made by a third party to the Welsh Government for a screening direction to be made which would have required the submission of an EIA, the Welsh Government also concluded that a screening direction and EIA, was not required. In response to further queries that have been raised, a review of previous planning consents, together with the voluntary Environmental Statement submitted by the developer has been undertaken by the Welsh Government. As a result, the Welsh Government has issued an interim decision dated 29th July 2021 (see **Appendix A**) which has concluded that the development approved under 2015 outline planning permission is Schedule 1 development and should have been subject to EIA. It has also been concluded that as a result of the environmental assessment work already undertaken, the plant is not likely to have significant effects on the environment during the four months while the EIA process is carried out and it would not therefore be expedient for the Welsh Government to order discontinuance of the use of the plant. It has also been confirmed that applications made under Section 73 of the Town and Country Planning Act 1990 (applications to develop land without complying with previous conditions) should be assessed as a change to the main development, however any application would need to assess whether the development as changed would have a significant adverse effect on the environment. It has also been confirmed that the Welsh Government's next steps are to undertake public consultation on the environmental statement provide by the developer.
7. The Welsh Government has confirmed that this decision does not relate to the planning merits of the continued use of the plant but relates only to the issue of suspending operations whilst EIA is undertaken. Whilst the conclusions reached are considered to have potential implications on the Council's determination of any further application seeking to regularise a change to the existing development, it is not considered that the Welsh Government's decision not to pursue discontinuance action should affect the Council's decision in respect of enforcement action, the purpose of which would be to secure control over the long-term operation of the plant in the interest of public safety and amenity.

Details of the Breach

8. The first application for the erection of a new industrial building and installation of a 9MW wood fuelled renewable energy plant was received by the Council in September 2008 and was refused on 31st July 2009, however that decision was overturned on appeal to the Welsh Government and planning permission was granted on 2nd July 2010 (2008/01203/FUL).

9. This decision was not however implemented and an outline application was subsequently made in February 2015 for a wood fired renewable energy plant, which was approved on 31st July 2015 (2015/00031/OUT) . A plan of the approved site layout is provided below:

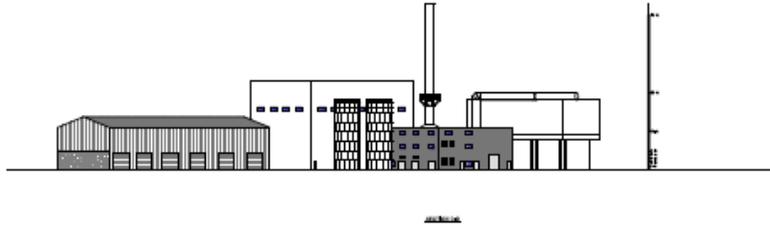


10. The outline permission was approved as it was concluded that the proposal would represent a sustainable renewable energy proposal which would comply with national and local planning policies, whilst also satisfactorily protecting the interests of local residential and visual amenity and highway safety, whilst no compromising other material consideration. The consent was subject to a number of conditions which were designed to control both the construction and the future operation of the facility including condition 5. (implementation of registered plans as well as air quality and waste planning assessment) 6. (management of fly ash and bottom ash waste), 11. (scheme to control dust within site and locality), 12. (details of lighting and light spillage), 21. (noise survey and potential mitigation) 22. (limitation on wood waste treated), 23. (limitation on waste wood processing), 24. (restriction on deliveries), 25. (restriction on noise) 26. (no open storage) 29. (Green Travel Plan) 30. (doors to feedstock building to remain closed except for deliveries) and 31. (air quality monitoring).
11. A reserved matters application for the approval of the landscaping of the development (a requirement of condition 1. of 2015/00031/OUT), was submitted in March 2016 and approved on 29th April 2016 (2016/00187/RES).
12. The current breaches of planning control have arisen as a result of the changes that the developer has undertaken in developing the site and their decision to revert back to implementing the 2015 outline consent (2015/00031/OUT). On implementation of the outline permission, the

developer constructed a fire water tank which was not in accordance with the approved plans and in March 2017, a further planning application was submitted for the installation of a number of additional site services, plant and machinery within the site which were described as ancillary to the renewable power plant approved under 2015/00031/OUT (2017/00262/FUL). At the time these details were submitted, the applicant was advised that as the development was not substantially complete, the changes would amount to a new application for the development as a whole. The applicant's agent confirmed that they would await the substantial completion of the approved development and submit a full application at a later stage for just the additional plant and machinery on the site and the application was subsequently withdrawn in June 2018.

13. A further retrospective S73A planning application was submitted in October 2017 for the variation of condition 5. of planning permission 2015/00031/OUT to include a fire water tank and fire water pump house as well as the relocation of parking resulting from the provision of these two structures (2017/01080/FUL). During the consideration of the application and due to the proposed extension of the site, the question was raised as to whether there was the need for an Environmental Impact Assessment (EIA). On two previous occasions, the Welsh Government had upheld the Council's decision that an EIA was not required, however following re-consultation, the Welsh Government advised in a letter dated 14th February 2018, that they were minded to direct that the development fell within Schedule 1 of the 2017 EIA regulations and that an Environmental Statement was required. The Council also considered that the 2017 proposal may be a Development of National Significance (DNS) and if this was the case, the developer would need to submit their application to the Welsh Government for determination. The applicant therefore determined that they would continue to implement the 2015 planning permission (2015/00031/OUT) by dismantling and removing the water fire tank and re-aligning the site boundary in the location of the car park. The application was therefore withdrawn on 9th February 2020 and the fire water tank subsequently removed from the site.
14. As a result of queries received regarding the appearance of the facility that had been constructed and additional structures provided within the site, a review of the 'as-built' development with the approved scheme was undertaken. Following a site inspection undertaken in July 2020, it was identified that a number of discrepancies existed between the approved development and that which has been built and 3 areas have been identified where a breach of planning control is considered to have occurred:
 - (i) Discrepancy between the Approved Elevation and Site Layout Plans
15. The most significant discrepancy identified was that the approved elevations are a 'mirror image' of what was shown on the approved layout plan so the development is shown the wrong way round on the elevation plan to what is shown on the approved layout and what has been constructed on site. So in the example below, the 2 cylindrical towers are shown to be on the south-west

elevation plan, however as shown the photograph, these towers are located on the north-east elevation.

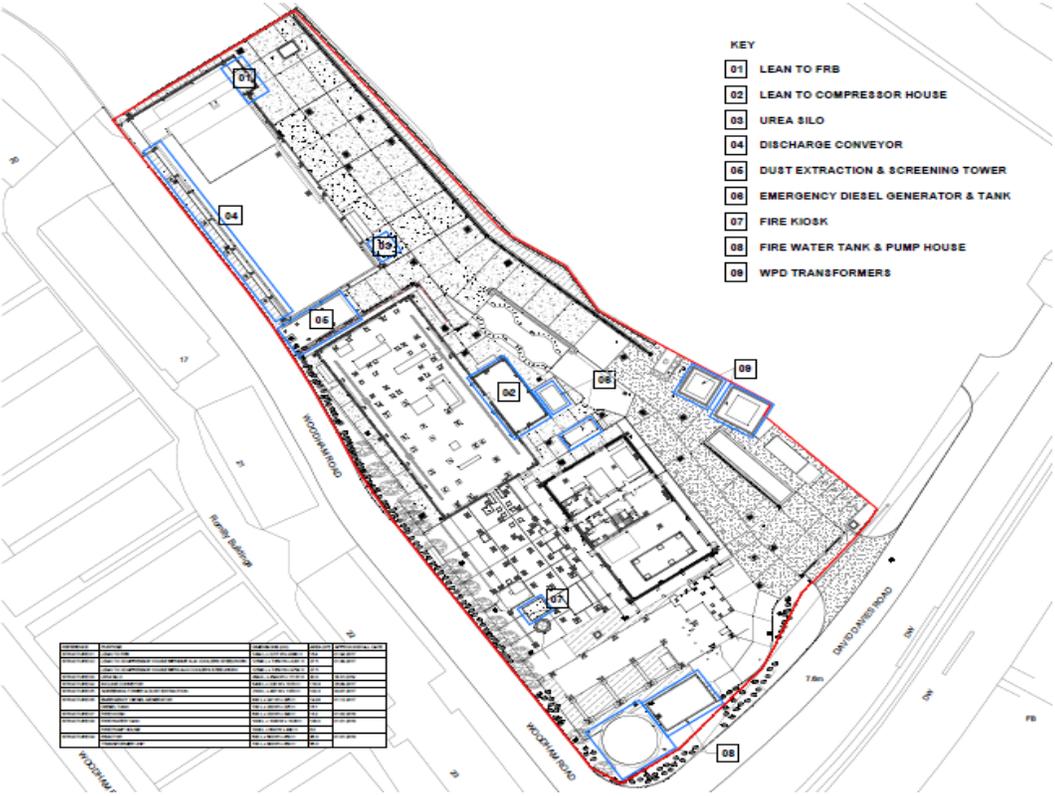


16. It is understood that this was a technical error which resulted in them appearing as a 'mirror image' of what was proposed and it is important to note that the development undertaken is considered to be visually acceptable in relation to the outline consent granted, however the development that has been constructed does not accord with the elevation plans that were approved for the outline application 2015/00031/OUT and therefore needs to be regularised. It is possible that this position could potentially be resolved through the submission of a 'Non-Material Amendment' (NMA) application,

however the developer has made no such application to regularise this position.

(ii) Additional Plant and Equipment

17. During the investigation, it was also identified that there were a number of structures that had been constructed at the site which were considered to be at variance with the approved scheme including plant and equipment and the developer has submitted the following plan which identifies, outlined in blue, the locations where these changes have occurred.



18. Further details have also been provided by the developer in respect of the dimension and function of the structures and the plant which are detailed below, together with what mechanism that exists for their regularisation. In determining the need for planning permission, the Council has considered whether each of the structures / plan constituted 'permitted development' under Part 8, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) which enables extensions and alterations to industrial development to be undertaken subject to certain criteria without requiring planning permission. However, in most cases, as the structures have been provided during the course of developing the site and were therefore built as part of one continuous building operation, rather than being the extension of a substantially constructed building, they were not considered to constitute an 'extension', or therefore constitute 'permitted development'.

Item 01 – Lean to FRB



19. This a lean-to structure located on the north-east elevation towards the rear of the building shown within the centre of the above photograph. The developer has confirmed the dimensions as 7434 L x 2217 W x 4000 H (area 16.4 sqm) and that the structure and the plant within was installed on 01.04.2017 and is not fundamental to the operation of the development.
20. It is considered that 'permitted development' rights do not apply to this structure as it is part of a single building operation, rather than an extension, however the potential mechanisms for regularising this development are available either under Section 96A (non-material amendment) or Section 73A (planning permission for development already carried out) of the Town and Country Planning Act 1990, subject to whether the Council considers the change to be 'non-material' or not.

Item 02 – Lean-to Compressor House with Plant Above



21. This structure is also located on the north-east elevation located centrally within the site and within the centre of the above photograph. The developer has confirmed the dimensions as 12508 L x 7350 W x 4231 H or 9754 if auxilliary coolers are included (area 27.5 sqm). It was installed on 01.09.2017 and the structure houses air compressors that can no longer fit in the main building.
22. It is considered that 'permitted development' rights do not apply to this structure as it is part of a single building operation, rather than an extension. The potential mechanisms for regularising this development are available under Section 73A (Planning permission for development already carried out) of the Town and Country Planning Act 1990.

Item 03 – Urea Silo



23. This cylindrical structure is also located on the south-west elevation located centrally within the site and just off the centre (right) of the above photograph. The developer has confirmed the dimensions as 4544 L x 4544 W x 11131 H (area 20.3 sqm) and the silo was installed on 18.01.2019. The developer has confirmed that the silo contains urea which is mixed to provide a solution that is used in the combustion process. The plant could be operated without it, however this would require the regular delivery of pre-mixed urea by tankers which reduces efficiency.

24. It has been confirmed that this structure is under 15m in height and the permitted development 'test' would be whether this materially affects the external appearance of the premises (Part 8, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) refers). However, legal advice on such matters has stated that Permitted development rights do not apply if the existing operations to which they relate are unlawful themselves.

Item 04 – Discharge 'Incline' Conveyor



25. This structure is also located on the north-east elevation located diagonally and just off the centre (left) of the above photograph. The developer has confirmed the dimensions as 5400 L x 220 W x 1370 H and that this was installed on 26.09.2017. The developer has maintained that this conveyor is shown on the approved layout plan and therefore forms part of the development authorised by the outline planning permission. It has also been confirmed that the as-built conveyor connects to Structure 5, whereas on the approved layout plan, it connects to the main process building. The developer has advised that it should have been understood that a conveyor was needed to transfer the feedstock to the gasifier and the Planning Statement submitted with the application also included a photograph of another plant which included an external conveyor, identical to that erected.
26. Whilst it has been maintained by the developer that this structure has been 'authorised in principle' and the location of this structure is outlined on the approved layout plan, it now connects to a different building and there are no elevation details approving its size, dimensions or appearance. It is considered that 'permitted development' rights cannot in any case apply to this structure as it is part of a single building operation, rather than an extension. It is also considered that this structure materially affects the appearance of the

building. The mechanism for regularising this development is available under Section 73A (Planning permission for development already carried out) of the Town and Country Planning Act 1990.

Item 05 – Screening Tower and Dust Extraction



27. These structures are located on the south-west elevation located centrally within the site and immediately to the right of the conveyor on above photograph. The developer has confirmed the dimensions as 2100 L x 487 W x 1370 H (area 102.3 sqm) and the structures were installed on 30.07.2017. The developer has confirmed that the structure screens oversize and metal products from the fuel stream. The structure is not essential to the operation of the plant and fuel could be screened off site, however it is less economic to do so.
28. It is considered that 'permitted development' rights cannot in any case apply to this structure as it is part of a single building operation, rather than an extension.
It is considered that this structure materially affects the appearance of the building. The mechanism for regularising this development is available under Section 73A (planning permission for development already carried out) of the Town and Country Planning Act 1990.

Item 06 – Emergency Diesel Generator and Diesel Tank



29. These structures are also located on the north-east elevation located centrally within the site and immediately in front of the lean-to compressor house. The developer has confirmed the dimensions as 800 L x 241 W x 285 H (area 19.28 sqm) and tank 700 L x 230 W x 225 H (area 16.1) and that the structures were installed on 01.12.2017. The developer has confirmed that the approved layout plan included a room which was originally intended to house the generator and tank however during the development, they have been located a few metres away from the building. It has also been confirmed that the emergency equipment would provide essential back-up to bring the plant to a safe condition in the event of a mains electricity back-out.
30. Whilst it has been maintained by the developer that this structure is 'authorised in principle' and it was shown within a building on the approved layout plan, the current structure is not clearly identified on the plans and there are no elevation details approving its size, dimensions or appearance. It is considered that 'permitted development' rights cannot apply to this structure as it is part of a single building operation, rather than an extension. the potential mechanisms for regularising this development are available either under Section 96A (non-material amendment) or Section 73A (planning permission for development already carried out) of the Town and Country Planning Act 1990, subject to whether the Council considers the change to be 'non-material' or not.

Item 07 – Fire Kiosk



31. This structure is also located on the north-east elevation and the rectangular structure with double doors shown centrally within the above photograph. The developer has confirmed the dimensions as 600 L x 220 W x 290 H (area 13.2 sqm) and that the structure was installed on 01.02.2018 and houses valve sets necessary to distribute fire water to the deluge system.
32. It is considered that 'permitted development' rights cannot in any case apply to this structure as it is part of a single building operation, rather than an extension, the potential mechanisms for regularising this development are available either under Section 96A (non-material amendment) or Section 73A (planning permission for development already carried out) of the Town and Country Planning Act 1990, subject to whether the Council considers the change to be 'non-material' or not

Item 08 – Fire Water Tank and Pump House



33. These structures are located in the southern corner of the site and comprise the cylindrical tank and adjacent rectangular building (to the right) within the above photograph. The developer has confirmed the dimensions of the tank as 1000 L x 1000 W x 1020 H (area 100 sqm) and the pumphouse as 1000 L x 600 W x 400 H (area 6 sqm) and was installed on 01.01.2018. The structure houses fire water as specified by the fire prevention plan that forms part of the environmental permit and pumping equipment.
34. It is considered that 'permitted development' rights do not apply to these structures as they are part of a single building operation, rather than an extension. It is considered that this structure materially affects the appearance of the building however the mechanism for regularising this development is available under Section 73A (planning permission for development already carried out) of the Town and Country Planning Act 1990.
35. On 12th May 2021, a retrospective (S73A) planning application for the erection and use of a cylindrical fire water tank has recently been submitted by the developer and is currently under consideration by the Council (2021/00695/FUL). The Council initially determined that due to the number of discrepancies between the development approved under planning permission 2015/00031/OUT and that which had been constructed which had not been regularised, applications to regularise these matters would effectively be consenting a 'generating station' and these should be considered as Developments of National Significance, the application was not validly made. Whilst the Planning Inspectorate subsequently determined that as the application related only to a fire water tank, the Council's reason for not validating it did not constitute a validation requirement, it was confirmed that its determination did not prevent the Council from requesting an Environmental Statement, (ES) if this was considered to be required. The Council has therefore sought clarification whether an ES is intended to be submitted on the basis that the Welsh Government is of the view that the development in its entirety is Schedule 1 development and the EIA threshold for any change to or extension of development listed in Schedule 1 is whether 'the development as changed or extended may have significant adverse effects on the environment'.

Item 09 – WPD Reactor and Transformer Unit



36. This reactor and transformer unit are located adjacent to the north-eastern boundary of the site and comprise structures erected by Western Power Distribution on 01.01.2018. It is considered that these are likely to fall within the permitted development rights set out in Part 17, Class G of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) relating to statutory undertakers and therefore no planning permission is required.

(iii) Extension of Site to the North



37. The land which is located immediately north of the site shown in the photograph above has been used throughout the construction phase and now continues to be open to the main site and is being used for storage containers

and a vehicle turning space. This does not form part of the application site that was granted permission, however it has not been confirmed whether it is the developer's intention to regularise this use through the submission of a full application for planning permission or cease the use of this site.

Action Pursued to Date

38. Following the site inspection undertaken in July 2020, a significant exchange of correspondence has been undertaken with the developer in an attempt to regularise the position. Correspondence was sent in July 2020 confirming that as a result of the review that had been undertaken, a number of variances had been identified, including that the approved elevation plans appeared to be a 'mirror image' of the approved layout plans and the other equipment and structures that had been erected on site. In view of the nature and size of those variances, the developer's views were sought on the position, however it was advised that the Council was also seeking legal advice on the implications of the differences.
39. Following the submission of a revised site layout plan by the developer in December 2020 which had identified (outlined in blue), the locations where the changes had occurred, the developer was advised that following the legal advice the Council had received, it was considered that a number of the discrepancies, including the 'mirror image' elevation plans and certain items including 01 (Lean-to FRB) and 07 (Fire kiosk) could potentially be dealt with through the Non-Material amendment (NMA) procedure, if the Council concluded that the change was 'non-material'. It was confirmed that in relation to the other items including 02 (Lean-to Compressor House and Plant), 04, (Discharge Conveyor) 05 (Screening Tower and Dust Extraction) and 08 (Fire Water Tank and Pump House), it was very unlikely that these could be dealt with through the NMA procedure as they were highly visible from outside of the site and due to their size. It was confirmed that where discrepancies could not be regularised through NMA applications, an application under Section 73A could be applied for.
40. The Council therefore wrote to the developer on 12th January 2021 to advise that the legal advice it had received supported the view that a Section 73A application should be submitted to regularise the entire development. It was explained that whilst technically it may be possible for certain discrepancies to be regularised through the Non-Material Amendment (NMA) procedure, there was no guarantee that any such application would be approved and there was also no right of appeal against any refusal of permission. It was advised that a Section 73A application for the whole development would need to be made to the Welsh Ministers as a Development of National Significance, however this was considered to represent the most sensible way forward as it would enable all of the identified discrepancies to be considered together and for the unauthorised development to be regularised without further delay.
41. It was also confirmed that in the absence of a valid planning permission, the Council effectively would have no control over the development or its operation, which was considered to be unacceptable given the nature of the development

and level of public interest. It was confirmed to the developer that if they decided against this course of action, it was likely that enforcement action would be taken to require that all development cease and all structures to be removed from the land.

42. The developer responded on 15th January 2021 confirming that they were seeking their own legal advice, however it was maintained that both the outline application 2015/00031/OUT and the reserved matters application 2016/00187/RES had both been lawfully implemented and pre-commencement conditions had been discharged, prior to the lawful implementation for the development in 2016. It was confirmed that they understood the discrepancies to consist of 9 ancillary structures and an error on the plans, however they considered that any planning irregularities could be capable of being remedied at a local level, without the need for a Section 73A application. The developer suggested that given the existence of planning permission and nature of the discrepancies identified, it was not considered expedient, reasonable or proportionate to remove all of the structures from the land, however they wished to resolve matters.
43. A response was sent by the Council on 19th January 2021 requesting a date when remedial action would be taken to resolve the identified breaches. It was advised that in the absence of planning permission, the development remained unauthorised and, in such circumstances, it would be expedient to take enforcement action, particularly if it was the developer's intention for the facility to become operational. The developer was therefore requested to provide a timely resolution to avoid the need for formal enforcement action to be taken.
44. The developer's response on 17th February 2021 advised that the project had been 'developed substantially in accordance with planning permission 15/00031/OUT and reserved matters approval 2016/00197/RES' and following the discharge of pre-commencement conditions, the development was therefore authorised by a lawfully subsisting and implemented planning permission. The developer advised that the Council could not compel a Section 73A application to be made and that there was no need for an application to regularise the whole development, and none would be made. It was advised by the developer that only six of the structures merited any further consideration as it was claimed that Item 04 (Discharge 'Incline' Conveyor) and Item 06 (Emergency Diesel Generator and Diesel Tank) were authorised in principle by the planning permission. Of the six remaining structures, it was claimed that four were non-essential to the operation of the development (Item 01 (lean to FRB) Item 02 (Lean-to Compressor House with Plant Above) Item 03 (Urea Silo) and Item 05 (Screening Tower and Dust Extraction. It was also confirmed that Items 07 (Fire Kiosk) and 08 (Fire Water Tank and Pump House) related to fire prevention and were necessary to comply with the environmental permit and insurance requirements, however the developer considered that within the context of the development as a whole, were arguably non-material.
45. In the developer's opinion, the starting point was the outline planning permission as it was maintained that by comparing the approved layout plan and as-built plan, the six structures had no significant environmental impacts

and did not invalidate the assessments previously considered by the Council. It was also confirmed that an updated environmental statement would shortly be submitted to the Welsh Government confirming that there were no significant environmental effects arising from the development that had not already been satisfactorily mitigated by the outline planning permission (2015/00031/OUT). It was also confirmed by the developer that all of the issues were capable of being addressed through NMA applications or a retrospective Section 73A application limited to individual structures. There was therefore, in the developer's opinion, no need for a section 73A application and it would not be expedient to take enforcement action in respect of the development as a whole, which would be vigorously defended and costs applied for if the Council decided to commence such action.

46. As identified above on 12th May 2021, the developer submitted a retrospective Section 73A application for the erection and use of a cylindrical fire water tank (2021/00695/FUL). Following the receipt of the recent interim decision from the Minister, the Council has written to the developer to ask whether it is their intention to submit an Environmental Statement. At the time of writing this report, no response had however been received to this question and no further NMA or Section 73A application had been received in relation to any of the remaining structures.
47. At the beginning of August, the Council was made aware of a 'letter to residents' dated 28th July 2021, that had been recently posted on the Barry Biomass website. The letter referred to the voluntary retrospective Environmental Impact Assessment (EIA) that was submitted to the Welsh Government by Biomass UK No. 2 Ltd and that the Welsh Government were intending to carry out a public consultation on the EIA later in the year. It was also confirmed however that 'after a period of voluntary downtime, Biomass UK No. 2 now intends to resume performance testing in August 2021'. The developer was therefore requested on 6th August 2021 to confirm what the proposed performance testing consisted of and whether the details of the testing was included within the EIA submitted to the Welsh Government. It was also confirmed that it was not considered that the development as constructed had the benefit of planning permission and had not been regularised and therefore, if further performance testing resumed, the Council would need to consider whether it would be expedient to issue a Temporary Stop Notice, which would require the performance testing to immediately cease.
48. On 9th August 2021, the Council received confirmation from NRW that Biomass No. 2 Ltd had notified them of their intention to start up their operations and it was confirmed that with their environmental permit in place, the developer would be allowed to commence operations covered by the permit.
49. The developer was therefore contacted on 9th August 2021 regarding the notification that had been received from NRW and advised that the existence of a permit from NRW did not authorise the starting up of the facility, which

was considered by the Council to remain unauthorised and therefore, any further activity at the site remained at risk of enforcement action.

50. On 9th August 2021, the developer confirmed that the voluntary Environmental Statement considered by the Minister for Climate Change and referred to in her letter dated 29 July 2021, had assessed the as-built scheme. They understood that the Welsh Government intended to publish the voluntary Environmental Statement next month for public consultation and were checking to see whether a copy of the statement could be shared with the Council in advance. It was confirmed that in their letter of 17 February 2021, they had identified the differences between the as-built scheme and the approved drawings and the six differences had no significant environmental impacts, which had been confirmed by the Welsh Minister.
51. Their letter had also explained that the differences between the approved plans and the as-built scheme and did not materially impact on the development and suggested that the differences were capable of being addressed through non-material amendment applications, PD Rights or individual Section 73A applications. It was confirmed by the developer however that given that the Council had been 'resistant to receiving NMA applications to regularise the differences (and has sought to obstruct the s.73A submitted to regularise the fire water tank)' no further applications had been submitted and they did not consider them to be necessary in view of the non-materiality of the differences they had identified. Furthermore, in the absence of any serious harm to amenity, public safety or the environment attributable either to the differences or the development as a whole (a view which the developer considered was supported by the Welsh Minister), they did not consider it expedient for the Council to take enforcement action to stop operations and to do so would cause them to incur significant costs.
52. In the Council's response on 12th August 2021, it was advised that confirmation had been received that performance testing had been taking place. It was confirmed however that as the development undertaken did not accord with the outline consent and the discrepancies identified had failed to be regularised, the current facility was considered to constitute unauthorised development. In previous correspondence, the developer had confirmed that all of the 'differences between the Approved Layout Plan and the as-built scheme' were capable of being addressed through either non-material amendment applications or retrospective S73A applications. However with the exception of the recently submitted S73A application for the fire water tank (2021/00695/FUL), none of the remaining items /structures had been regularised and the as-built scheme therefore remained at variance with that approved under the outline application 2015/00031/OUT. The developer was also asked to confirm how, in the absence of any planning consent which regularised the remaining unauthorised structures, the means by which the development as constructed, had become regularised.
53. It was also confirmed that the Council had received a copy of the letter dated 29 July 2021 from the Minister for Climate Change to the Docks Incinerator Action Group (DIAG) and whilst the Minister's conclusions were

acknowledged, the voluntary Environmental Statement had not been submitted to the Council and it had not therefore been confirmed whether this covered the approved or as-built scheme. The Council identified that it had been corresponding for some time regarding the need to regularise the unauthorised structures and whilst there had been some disagreement over the way in which these could be regularised, the need for regularisation had not been disputed.

54. Finally, it was confirmed that until such time as the as-built development has been fully regularised, it was the Council's view as the enforcing authority, that it may be expedient to stop the development from becoming fully operational in order to protect its position in relation to any further enforcement action that may be required in the future.
55. In their response sent on 13th August 2021, the developer confirmed their understanding that the Welsh Government intended to publish the voluntary Environmental Statement in the next month for public consultation and were checking whether a copy could be shared in advance. They advised that within the context of the outline planning permission, the six differences under scrutiny had no significant environmental impacts which had been confirmed in the recent conclusions of the Welsh Minister. Whilst they had suggested that the differences were capable of being addressed through non-material amendment applications, or individual section 73A applications, the Council had recommended a comprehensive s.73A application for the entire development. It was advised that as the Council had been 'resistant to receiving NMA applications to regularise the differences', no further applications had been submitted and they did not consider them to be necessary in view of the non-materiality of the differences concerned. In the absence of any serious harm to public safety or the environment attributable either to the differences or the development as a whole (a view which was supported by the Welsh Minister), they did not consider that it would be expedient for the Council to take enforcement action to stop operations and would cause them significant costs.
56. The developer confirmed that if the Council's position had changed and it would be willing to receive NMA applications then they would be willing to discuss this further, however there seemed little point in ProjectCo submitting applications if they were 'only going to obstructed by the Council'. It was maintained that the plant did benefit from a lawfully implemented planning permission authorising operations and that four out of six of the differences under scrutiny were non-essential to operations but increased efficiency and the remaining two related to fire safety and increased public safety.
57. A response was sent by the Council on 16th August 2021 confirming the fact that the Welsh Government had reached the conclusions it had in relation to the voluntary ES, did not mean that the differences did not need to be regularised through a further planning application. It had previously been confirmed that the differences between the approved and as-built schemes were more than 'de minimis' and whilst these are capable of being addressed through Section 73A, none had been regularised. It was also confirmed that

the need to regularise the development undertaken was not dependent on the non-materiality (or otherwise) of the identified differences. It was also confirmed that the main concern of the Council was that no application had been made for the development with the differences identified by both parties and as such, there remained a very real risk that the development, as a whole, was not formally authorised by the 2015 permission. Irrespective of the conclusions reached in relation to the voluntary Environmental Statement submitted to the Welsh Government, it was advised that the situation must be resolved either by the submission of formal applications or by enforcement action, which would hopefully end in the submission of the correct applications.

58. As identified above, the Council has been in correspondence with the developer throughout the construction period and has explained the need to regularise the full extent of the changes that were confirmed last year. Whilst the developer has previously indicated that they would be prepared to regularise the development, only one planning application seeking to regularise the fire water tank has since been received and there remains a number of other structures within the site that need to be regularised. In light of the developer's most recent correspondence which indicates that there is no intention to submit any further applications, it has been concluded that the existing development will remain unauthorised. The Council considers that this position is unacceptable because in the event that the existing unauthorised development becomes lawful over time, the Council would then be unable to enforce any of the planning conditions attached to the outline planning consent 2015/00031/OUT, which were designed to ensure that the plant was able to be monitored and controlled in the future. Without the ability to do this, it is considered that the development is unacceptable and there is therefore no alternative open to the Council but to take enforcement action to secure the cessation of the performance testing and removal of the plant.
59. In reaching this conclusion, the Council has taken account of the fact that the developer would incur costs in suspending operations and removing the plant which would be a requirement of any enforcement notice issued, however the developer has been aware that the development was at risk of enforcement action since the beginning of the year and has not resolved the position. It has been noted that the interim decision recently published by the Welsh Government considered that the plant was not likely to have significant effects on the environment while the EIA process was carried out. On that basis, it was concluded that it would not be expedient to issue a discontinuance order, as the benefits of suspending operations while undertaking EIA did not outweigh the costs. It is however considered that the interim decision of the Welsh Government is based on entirely different short-term circumstances, rather than the consequences of the Council not having any control over the future operation of the development, which could have a significant long-term effect on the environment and public health, the mitigation for which would outweigh any costs involved.

Planning History

60. The site benefits from the following planning history:

2021/00695/FUL : Barry Biomass Facility, David Davies Road, Barry - A retrospective (S73A) planning permission for the erection and use of a cylindrical fire water tank at its biomass fired renewable energy generation facility at the Barry Docks - Undetermined

2017/01080/FUL : Barry Port Biomass Plant, David Davies Road, Barry - Variation to condition 5 of planning permission 2015/00031/OUT to include fire tank and building as well as relocation of parking - Withdrawn

2017/00262/FUL : Barry port Biomass Plant, David Davies Road, Barry - Erection of the following site services, plant and machinery: (1) Reception Building Conveyor Cover; (2) Reception Building Power Packs; (3) Reception Building Conveyor Cover; (4) Reception Building Conveyor Screening Tower Structure; (5) Fire System Control Kiosks x 6; (6) Fire Water Tank; (7) Fire Water Pump House; (8) ACC Ancillary Equipment Structure; (9) Emergency Generator; (10) Diesel Tank and (11) Process Building Plant Room With Ancillary Air Blast Coolers – Withdrawn

2016/00187/RES : Biomass UI No.2 Limited, David Davies Road, Barry - Approval of the landscaping of the development condition 1 of the outline 2015/00031/OUT – Approved 29/04/2016

2015/00031/5/CD : Barry Port Biomass Plant, David Davies Road, Barry - Conditions 5, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25 & 29 of Planning Application 2015/00031/OUT - Discharged

2015/00031/4/CD : Barry Port Biomass Plant, David Davies Road, Barry - Outline application for a wood fired renewable energy plant. - Withdrawn

2015/00031/3/CD : Barry Port Biomass Plant, David Davies Road, Barry - Discharge of Conditions 11, 12, 20 and 29. - Withdrawn

2015/00031/2/CD : Barry Port Biomass Plant, David Davies Road, Barry - Discharge of Condition 13-Sustainable Drainage - Withdrawn

2015/00655/FUL : Land off Woodham Road, Barry - Erection of a new industrial building and the installation of a 9mw wood fuelled renewable energy plant - Undetermined

2015/00031/OUT : David Davies Road, Woodham Road, Barry - Outline application for a wood fired renewable energy plant - Approved 31/07/2015

2014/01065/NMA : Land at Woodham Road, Barry - Modification to Sunrise Renewables planning permission 2008/01203/FUL - Withdrawn 30/10/2014

2010/00240/FUL : Land off Woodham Road, Barry - Erection of new industrial building and installation of 9MW wood fuelled renewable energy plant - Withdrawn 20/04/2010

2008/01203/FUL : Land at Woodham Road, Barry - Erection of new industrial building and installation of 9MW fuelled renewable energy plant - Refused 31/07/2009

2008/00828/SC1 : Land at Woodham Road, Barry Docks - Proposed industrial building and installation of 9MW Biomass Gasification Plant to generate electricity from reclaimed timber - Environmental Impact Assessment (Screening) - Not Required 14/08/2008

1987/00821/FUL : Woodham Way, Barry Docks - Construction of plant store - Approved 17/11/1987

1985/00574/FUL : Woodham Road, North Side, No. 2 Dock, Barry - The land will be enclosed by a security fence and used for the storage of car trailers, such as touring caravans, boats etc. – Approved 23 July 1985.

1984/00348/FUL : Woodham Road, No. 2 Dock, Barry Docks, Barry – Proposed fenced off compound for the purpose of storage and distribution of solid fuel -Approved 17 May 1984.

1984/00214/FUL : Woodham Road, No. 2 Dock, Barry - Erection of a security fence around the plot of land which will be used for the storage of caravans. Approved 1 May 1984.

Policy and Guidance

61. Welsh Government advice on the enforcement of the planning control is found in the Development Management Manual (Revision 2, May 2017). It states that, '*When considering enforcement action, the decisive issue for the LPA should be whether the unauthorised development would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.*'

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY
POLICY SP8 – SUSTAINABLE WASTE MANAGEMENT
POLICY SP9 – MINERALS

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

POLICY MD7 - ENVIRONMENTAL PROTECTION

POLICY MD16 – PROTECTION OF EXISTING EMPLOYMENT SITES AND PREMISES

POLICY MD19 - LOW CARBON AND RENEWABLE ENERGY GENERATION

POLICY MD20 - ASSESSMENT OF WASTE MANAGEMENT PROPOSALS

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

Future Wales: The National Plan 2040:

64. 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:

65. National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the matters considered in this report.
66. 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.
67. The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)
- Supporting Infrastructure
- Managing Settlement Form –Green Wedges

Chapter 5 - Productive and Enterprising Places

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

- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

Technical Advice Notes:

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

- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 21 – Waste (2017)
- Technical Advice Note 23 – Economic Development (2014)

Supplementary Planning Guidance:

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

- Renewable Energy (March 2019)
- Sustainable Development (2006)

Welsh National Marine Plan:

70. National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this authorisation. 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. The following chapters and sections are of particular relevance in the assessment of this authorisation:

- Living within environmental limits
 - Maintain and enhance the resilience of marine ecosystems and the benefits they provide in order to meet the needs of present and future generations.
- Promoting Good Governance
 - Support proportionate, consistent and integrated decision making through implementing forward-looking policies as part of a plan-led, precautionary, risk-based and adaptive approach to managing Welsh seas.
- Using Sound Science Responsibly
 - Develop a shared, accessible marine evidence base to support use of sound evidence and provide a mechanism for the unique

characteristics and opportunities of the Welsh Marine Area to be better understood.

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 11/99 – Environmental Impact Assessment
- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

Well Being of Future Generations (Wales) Act 2015:

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

Reasons for Serving an Enforcement Notice

72. Planning permission was granted for the redevelopment of the site to provide a wood fuelled renewable energy plant under outline planning permission 2015/00031/OUT. Despite a significant level of local opposition, the outline permission was approved as it was concluded that the proposal would represent a sustainable renewable energy proposal which would comply with national and local planning policies, whilst also satisfactorily protecting the interests of local residential and visual amenity and highway safety. In order to ensure that the development was acceptable, a number of planning conditions were imposed which were designed to control both the construction and the future operation of the facility. These included measures to control issues such as air quality, waste management, the control of dust within the site and locality, light spillage, noise mitigation, deliveries and open storage and without such controls, it was considered that the development would have been unacceptable. A reserved matters application was approved for the approval of the landscaping of the development (2016/00187/RES) and the pre-commencement conditions for the scheme have been discharged.
73. Whilst the Council has investigated a number of complaints that have been received regarding the site since 2016, which initially related to construction issues including noise, dust, hours of construction and air quality, the investigation of more recent complaints has identified a number of

discrepancies between the consented scheme and that which had been built including differences between the approved layout and elevation plans, the provision of additional structures, plant and equipment and the extension of the site to the north. Despite protracted correspondence with the developer and their initial acceptance of the differences with the scheme that had been approved, the existing development has failed to be regularised, which could affect the Council's ability to take enforcement action in the future if the unauthorised development were to become lawful.

74. It is considered the retention and operation of the plant without the ability to take enforcement action in the future could have a significant and irreversible adverse impact on the local environment and affect residential amenity and highway safety. The unauthorised development is therefore considered to conflict with strategic policies SP1 (Delivering the Strategy) and SP8 (Sustainable Waste Management), and the wider principles of managing new development set out in policies MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD16 (Protection of Existing Employment Sites and Premises), MD19 (Low Carbon and Renewable Energy Generation) and MD20 (Assessment of Waste Management Proposals). These breaches are also considered to conflict with the principles of sustainable development set out in PPW Edition 11 (2021), , Technical Advice Note 11 (Noise), Technical Advice Note 18 (Transport) and Technical Advice Note 21 (Waste) and Technical Advice Note 23 (Economic Development).
75. The appropriate marine policy documents have been taken into account in the consideration of this authorisation in accordance with Section 59 of the Marine and Coastal Access Act 2009 however at the present time, there is no specific evidence to demonstrate how the development being undertaken on this site would constitute sustainable development or how it would be contrary to the well-being goals within the WNMP.
76. Finally, under the 2015 Act the Council not only have a duty to carry out sustainable development but must also 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 recommending the service of an Enforcement Notice, 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.

Conclusions

77. Whilst planning permission has been granted under outline permission 2015/00031/OUT and reserved matter application 2016/00187/RES for the renewable energy plant it is clear from the investigations undertaken that not only are there discrepancies between the approved layout and elevation plans but also that additional structures, plant and equipment have been provided and the site to the north is also being used in association with the plant.

Despite protracted correspondence with the developer, all of the unauthorised development which has been constructed on site has failed to be regularised. This position is unacceptable because in the event that the existing unauthorised development becomes lawful over time, the Council would then be unable to enforce any of the planning conditions attached to the outline planning consent 2015/00031/OUT, which were designed to ensure that the plant was able to be monitored and controlled in the future. Without the ability to do this, it is considered that the development is unacceptable and contrary to policies SP1, (Delivering the Strategy), SP8 (Sustainable Waste Management), MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD16 (Protection of Existing Employment Sites and Premises), MD19 (Low Carbon and Renewable Energy Generation) and MD20 (Assessment of Waste Management Proposals) of the Local Development Plan, PPW Edition 11 (2021) and Technical Advice Notes 11 (Noise), 18 (Transport), 21 (Waste) and 23 (Economic Development). In view of the developer's decision not to regularise the as-built scheme, it is considered that there is no alternative but for the Council but to take enforcement action.

78. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action to secure the cessation of the operation of the plant including performance testing and the removal of the buildings, plant and equipment, including the land to the north.
79. It is considered that the decision would comply with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Resource Implications (Financial and Employment)

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

Legal Implications (to include Human Rights Implications)

81. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
82. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

83. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) Permanently cease the operation of the renewable energy plant, including the carrying out of any performance testing.
 - (ii) Permanently remove the renewable energy plant including all buildings, plant and associated equipment from the land.
 - (iii) Permanently cease the use of the land located to the north for the storage of containers and the parking and manoeuvring of vehicles in association with the renewable energy plant.
 - (iv) Permanently remove the containers and vehicles from the land resulting from the cessation of the use identified in step iii above.
 - (v) Following the taking of steps (ii) and (iv) above, restore the land to its former condition prior to the commencement of development.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) It appears to the Council that the above breach of planning control constituting operational development (construction of the renewable energy plant) has occurred within the last 4 years and the breach of planning constituting the material change of use of the land (extension of land to the north), has occurred within the last 10 years.
- (2) The site is located within the wider coastal area of Barry Docks, to the north-east of existing industrial units on Woodham Road and was previously occupied by a container storage and refurbishment operation. Planning permission was granted for the redevelopment of the site to provide a wood fuelled renewable energy plant under outline planning permission 2015/00031/OUT. Despite a significant level of local opposition, the outline permission was approved as it was concluded that the proposal would represent a sustainable renewable energy proposal which would comply with national and local planning policies, whilst also satisfactorily protecting the interests of local residential and visual amenity and highway safety. In order to ensure that the development was acceptable, a number of planning conditions were imposed which were designed to control both the construction and the future operation of the facility. These included measures to control issues such as air quality, waste management, the control of dust within the site and locality, light spillage, noise mitigation, deliveries and open storage and without such controls, it was considered that the development would have

been unacceptable. A reserved matters application was approved for the approval of the landscaping of the development (2016/00187/RES) and the pre-commencement conditions for the scheme have been discharged.

- (3) Whilst the Council has investigated a number of complaints that have been received regarding the site since 2016, which initially related to construction issues including noise, dust, hours of construction and air quality, the investigation of more recent complaints has identified a number of discrepancies between the consented scheme and that which had been built including differences between the approved layout and elevation plans, the provision of additional structures, plant and equipment and the extension of the site to the north. Despite protracted correspondence with the developer and their initial acceptance of the differences with the scheme that had been approved, the existing development has failed to be regularised, which could affect the Council's ability to take enforcement action in the future if the unauthorised development were to become lawful.
- (4) It is considered the retention and operation of the plant without the ability to take enforcement action in the future could have a significant and irreversible adverse impact on the local environment and affect residential amenity and highway safety. The unauthorised development is therefore considered to conflict with strategic policies SP1 (Delivering the Strategy) and SP8 (Sustainable Waste Management), and the wider principles of managing new development set out in policies MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD16 (Protection of Existing Employment Sites and Premises), MD19 (Low Carbon and Renewable Energy Generation) and MD20 (Assessment of Waste Management Proposals). These breaches are also considered to conflict with the principles of sustainable development set out in PPW Edition 11 (2021), , Technical Advice Note 11 (Noise), Technical Advice Note 18 (Transport) and Technical Advice Note 21 (Waste) and Technical Advice Note 23 (Economic Development).
- (5) It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

Background Papers

Enforcement File Ref: ENF/2020/0230/M

Contact Officer - Sarah Feist, Tel: 01446 704690

Officers Consulted:

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

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING



Ein cyf/Our ref MA/LW/2256/21

[REDACTED]
Docks Incinerator Action Group

29 July 2021

Dear [REDACTED]

1. In 2017 you asked the Welsh Government, on behalf of the Docks Incinerator Action Group (DIAG), for the need for Environmental Impact Assessment (EIA) to be reviewed in relation to the development by Biomass No.2 UK Ltd. at Barry Dock in the Vale of Glamorgan
2. Since then, DIAG have raised many points about the need for Environmental Impact Assessment (EIA) in general and about specific aspects of this case. I have considered all the representations made, which have informed my consideration of this case below.

The development

3. Outline planning permission for a wood-fired renewable energy plant was granted by Vale of Glamorgan Council on 31 July 2015 (reference number 2015/00031/OUT).
4. Planning application (reference number 2017/01080/FUL) was subsequently made under section 73 of the Town and Country Planning Act 1990 ("the 1990 Act"). This was an application to vary a condition attached to planning permission 2015/00031/OUT enabling the addition of a fire water tank and relocation of parking.

The requirement for EIA

5. The EIA Regulations transpose European Directive 2011/92/EU, as amended in 2014 by Directive 2014/52/EU ("the EIA Directive") on the assessment of the effects of certain public and private projects on the environment in relation to town and country planning.
6. The EIA Directive requires an EIA to be carried out before consent is given to development likely to have significant effects on the environment by virtue, inter alia, of its nature, size or location.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

7. The projects to which the EIA Directive applies are set out in Schedules 1 and 2 to the EIA Regulations. Development which falls within a project description set out in Schedule 1 to the EIA Regulations always requires EIA. Development which falls within a description in Schedule 2 only requires EIA if it is likely to have significant effects on the environment. The expression "likely to have significant effects on the environment" connotes something more than a bare possibility, though any serious possibility will suffice.

The minded to direct letter

8. Prior to its withdrawal, planning application 2017/01080/FUL was before Vale of Glamorgan Council for determination when consideration began as to whether the application should be subject to EIA.
9. On 14 February 2018, the developer of the plant was informed the Welsh Ministers were minded to direct EIA is required for the application. The developer responded to the letter and the response was made public in response to a freedom of information request, which can be found here [FOI release: Biomass Ltd Correspondence | GOV.WALES](#).
10. An application made under section 73 of the 1990 Act is an application for planning permission and under domestic law, a new planning permission is issued. The 'minded to' letter was issued on the basis a new planning permission equates to a development consent as defined in the EIA Directive. The screening consideration contained in the letter therefore started from the position of the whole development (the subject of the new planning permission) needing to be considered when determining whether EIA is required. The minded to letter set out why it was considered the plant fell within project category 10 set out in Schedule 1.
11. Following the representations made by the developer and DIAG, I have reconsidered whether the approach set out in paragraph 10 is correct and concluded section 73 applications should be considered as changes or extensions to projects, despite successful applications resulting in a new planning permission.

EIA status of the outline planning application

12. Both Schedule 1 and Schedule 2 to the EIA Regulations have project categories relating to changes or extensions to projects. The relevant project category of a section 73 application therefore depends on the project category of the original project. My reconsideration of the section 73 application and consequential consideration of the outline planning permission has led me to question whether EIA was properly considered at this earlier stage.
13. The Vale of Glamorgan Council decided EIA was not required in relation to planning application 2015/00031/OUT when it was determined on 31 July 2015. Welsh Government policy is not to review local planning authority planning decisions. However, even though the United Kingdom has left the European Union, the Welsh Ministers have a duty of sincere co-operation to ensure compliance with European law and it is for this reason I have looked again at whether EIA should have been undertaken.
14. Planning application 2015/00031/OUT sought outline planning permission for a wood-fired renewable energy plant. Vale of Glamorgan Council considered the development fell within project category 11(b), installations for the disposal of waste, in Schedule 2 to then current EIA Regulations (the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 1999) ("the 1999 EIA Regulations"). Their

analysis concluded there were no likely significant effects on the environment and consequently EIA was not required.

15. I consider the correct approach to whether EIA was required for the outline application is to start from the basis the application was a change or extension to an existing project. This is because an earlier planning permission remained extant at the time of the application. Planning permission 2008/01203/FUL for the erection of new industrial building and installation of a 9MW renewable energy plant was granted on appeal on 2 July 2010 (“the 2010 permission”). This permission was valid until July 2015 and the subsequent application was submitted in January 2015 and validated in February 2015. The extant permission was for a gasification plant using pyrolysis to create syngas. The outline planning application sought to change the gasification technology to the use of a fluidised bed but was otherwise for the same project, despite changes to the site layout and elevations.

The 2010 Permission

16. During the consideration of the application, a number of screening directions were issued by the Welsh Ministers culminating in a letter of 23 December 2009. Paragraph 4 of the letter identifies uncertainty about how pyrolysis should be considered in the context of EIA. While the letter concluded EIA was not required, the appeal process which granted the 2010 permission was nevertheless accompanied by an Environmental Statement, which was taken into account in the decision.
17. Having looked again at relevant project categories, I am now of the view the proposed development set out in the 2010 permission should have been more appropriately considered as falling within category 10 of Schedule 1 to the 1999 EIA Regulations. This is because the proposal amounted to waste disposal using either incineration or chemical treatment with a capacity over the relevant threshold.
18. Category 10 of Schedule 1 to the 1999 EIA Regulations comprised:

“waste disposal installations for the incineration or chemical treatment (as defined in Annex IIA to Council Directive 75/442/EEC* under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day.”

*(now Annex I to Directive 2008/98/EC of the European Parliament and the Council)

Waste disposal

19. The wood processed by the plant would have been waste wood. For the purposes of EIA, waste disposal includes the recovery of waste, as explained in advice on project category 10, contained in the European Commission’s publication, “Interpretation of definitions of project categories of annex I and II of the EIA Directive”. As the development would have sought to recover energy from waste through gasification, I consider this recovery process to be ‘waste disposal’.

Incineration or chemical treatment

20. With respect to the type of waste treatment, I consider pyrolysis falls within the ambit of either incineration or chemical treatment as referred to in the project category. If pyrolysis is not incineration then I am clear it would be caught by the chemical treatment element of the project category. Annex II of Directive 75/442/EEC (and now Annex I of Directive 2008/98/EC) defines chemical treatment under heading D9 as:

'Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)'

21. The treatment of waste wood through gasification via pyrolysis is partial oxidisation and in this case, the resultant compound, syngas, is subsequently incinerated to recover energy. This means the characteristics of this development fell within the project description in paragraph 10 of Schedule 1 to the 1999 EIA Regulations whether the process is either incineration or physico-chemical treatment.

Capacity

22. The other aspect of the project description is the volume of waste treated. The Planning Permission restricted the amount of feedstock to 72,000 dry tonnes of wood waste per year. Based on operations over 365 days a year, this would represent a 'minimum' daily capacity of an average of 197 tonnes a day. This is well in excess of the threshold of 100 tonnes described in the project category.

2015 Outline Permission

23. Having established the outline planning application was for a change to a consented development (see paragraph 15), I have had to consider whether the 2015 application falls within the project category 21 set out Schedule 1 to the 1999 EIA Regulations. It states:
 21. Any change to or extension of development listed in this Schedule where such a change or extension itself meets the thresholds, if any, or description of development set out in this Schedule.
24. The fluidised bed process is waste treatment and the new plant to be installed in place of the pyrolysis technology would have a capacity in excess of 100 tonnes a day. It therefore falls within the description of project category 10 (waste disposal installations for the incineration or chemical treatment of non-hazardous waste) and also exceeds the capacity of that category. For this reason I consider the outline planning application was for a Schedule 1 project and therefore would have required EIA.

Duty of sincere co-operation

25. Even though the UK has left the European Union, the terms of the Withdrawal Agreement mean the Welsh Ministers have a continuing duty of sincere co-operation which requires them to exercise any powers available to them under domestic law to prevent the plant coming into operation until EIA has been carried out, if taking such measures is lawful and proportionate.
26. The period for challenging the grant of planning permission through the Courts of England and Wales has long expired. Therefore the relevant power available to the Welsh Ministers is the making of a discontinuance order under sections 102 and 104 of the 1990 Act.
27. The Welsh Ministers have been considering whether to use a discontinuance order to require EIA. The developer, however, has volunteered to prepare an environmental statement. The production of a statement is a first step in the EIA process set out in

the EIA Regulations. This would normally be followed by public consultation, which is what was proposed in the Welsh Government written statement of May 2019.

28. While construction of the plant is complete, commercial operation has not yet commenced. With operation likely to soon commence and EIA not yet undertaken, I must consider whether to formally prevent full operation of the plant while EIA is conducted, to fulfil the duty of sincere co-operation. This decision is without prejudice to the future decision required after consultation on the environmental statement, to consider the implications of any likely significant effects on the environment identified and what action is required as a result. For this current decision I have therefore considered whether the making of a discontinuance order to prevent operations while EIA is undertaken is lawful and, if it is, whether doing so represents a proportionate response.
29. Section 104 of the 1990 Act provides the Welsh Ministers with the power to make a discontinuance order under section 102 if it appears to them that it is expedient that such an order be made. The Welsh Ministers in Planning Policy Wales state:
 - a. the use of the power can only be justified in exceptional circumstances, and
 - b. the Welsh Ministers will generally use this power only if the original decision is judged to be grossly wrong, so that damage would be done to the wider public interest.
30. It is in the public interest for decisions to be taken in accordance with the law. The EIA Regulations require planning decisions to take into account the environmental information about the likely significant effects of the development on the environment. A lack of environmental information harms the ability of the public to participate fully in decision making. It also prevents the decision maker determining an application in the full knowledge of the likely environmental effects and potentially gives rise to a missed opportunity to apply mitigation to those developments which do proceed.

Environmental Impacts

31. The wider public interest would be damaged if significant effects on the environment were occurring without EIA having been properly undertaken. The occurrence of significant environmental effects would be a very important factor which would weigh in favour of taking action when considering whether it is expedient to suspend operations.
32. The plant is currently mothballed but is physically capable of full operation after a short recommission programme. The longer it takes to consult on the environmental statement, the more likely full operations will commence and the full environmental impacts associated with this will occur. I await with an open mind the possibility of likely significant effects being identified by consultees through the consultation process. In the meantime, for the limited purpose of considering the expediency of formal suspension, I have considered the predicted effects set out in the environmental information submitted with the outline application 2015/00031/OUT, the information submitted with the environmental permitting application and the subsequent analysis by Natural Resources Wales. I have also considered reports compiled for Barry Town Council.
33. I also take into account the environmental statement submitted voluntarily by the developer in September 2019 in preparation for the consultation exercise and the subsequent analysis of that information by WSP on behalf of the Welsh Ministers which identified a number of gaps in the information. I also take into account the

replacement environmental statement voluntarily submitted by the developer in April 2021, which seeks to address the identified gaps although I keep in mind this is yet to be subject to consultation, which will take place in September.

34. My analysis focuses on those environmental effects which have the potential to be significant during the period while the EIA is undertaken. I anticipate the remaining EIA process will take four months.

Air quality

35. Air quality has been a particularly contentious issue. I note your disagreement with the modelling work undertaken by the developer.
36. Submitted with the outline planning application 2015/00031/OUT was a Stack Height Assessment prepared by Stopford Energy and Environment which concluded a 43 m stack was appropriate for a negligible Annual Mean Nitrogen Dioxide Concentration.
37. A further air quality assessment was prepared by Entran Ltd. This used detailed air quality modelling to predict the effects associated with stack emissions from the site. For the proposed stack height, maximum off-site process concentrations are predicted to be well within the relevant air quality standards for all pollutants considered. The significance of the effects were assessed as negligible for human health.
38. The predicted process contributions are also predicted by Entran to be negligible compared with the critical levels and critical loads at nearby statutory sensitive habitat sites. The only issue identified by the work was a potentially significant impact for nutrient nitrogen deposition predicted at ancient woodland adjacent at Hayes Lane.
39. The report by Entran must be viewed with considerable caution given the diameter of the flue used for the modelling work, which WSP points out was increased to 2.75 metres when the proposed stack height was increased to 43 metres. The work was also used, however, for the application for an Environmental Permit for the site. The issue of flue diameter was the subject of correspondence between Natural Resources Wales (NRW) and the developer. In determining the Permit Application, NRW had been satisfied through the dialogue with the developer that the report's conclusions remained valid. NRW were therefore not concerned about the predicted deposition for the Hayes Lane site and I agree with their view, given the predicted process contribution from the plant.
40. A review of the Permit Application documents was undertaken by Capita plc for Barry Town Council. Capita raised a number of issues and comments during the review process resulting in revised information being submitted, particularly in relation to the fire prevention plan (fire is considered in paragraphs 49 to 52 below). Capita's comments in relation to air quality included issues about consistency between the original information and revised work submitted by the applicant. I am not aware these specific queries were subsequently explained by the applicant but the issues raised were taken into account by NRW when determining the Environmental Permit.
41. For the Environmental Permit application, NRW considered the assessment of the baseline situation and dispersion modelling of the predicted emissions. The assessment work identifies a wide range of pollutants which are likely to be emitted by the plant. However, NRW's assessment of the work concluded the emissions from the plant would not cause concentrations of pollutants which would harm human beings or the wider environment and I agree. While NRW have warned the company about breaching their permit during commissioning, air quality objectives were not exceeded.

Monitoring of air quality during commissioning work does not show any exceedances of the limits stated in the environmental permit. I am satisfied the evidence shows that there will be no significant effects on the environment while an EIA is carried out.

Climate change

42. The gasification process results in emissions which have a greater than local effect. Whilst the voluntary environmental statement does not address this issue, it was looked at in detail during the environmental permitting process and we are satisfied with the adequacy of the information provided. The applicant for the permit submitted calculations of the plant's Global Warming Potential (GWP) using the methodology set out in horizontal guidance issued or endorsed by NRW. The net GWP is derived from the following elements.
43. On the debit side
- CO₂ emissions from the burning of the waste;
 - CO₂ emissions from burning auxiliary or supplementary fuels;
 - CO₂ emissions associated with electrical energy used;
 - N₂O from the de-NO_x process.
44. On the credit side;
- CO₂ saved from the export of electricity to the public supply by displacement of burning of virgin fuels.
45. NRW were content with the applicant's assessment which showed their preferred option Best Available Technology for the installation in terms of GWP. The H1 methodology calculates the GWP as -32,644 (tonnes CO₂ equivalent per annum). I currently have no reason to disagree with NRW's conclusion the proposal represents Best Available Technology and conclude the impact on climate change is not significant.

Drainage

46. The plant design keeps surface water and foul sewer discharges separate. Any hazardous chemicals accumulating in the air emissions abatement plant will be removed from site as solids. NRW noted, during its determination of the Environmental Permit, foul sewer discharges will consist of process effluent in the form of boiler blowdown and water treatment plant discharges. I agree with their assessment that the environmental risk associated with the release of process effluent to sewer is not significant, since there is no aqueous effluent associated with any of the air abatement plant.
47. Concern has been expressed that the public sewer flows directly into Barry Dock. I am aware of overflow arrangements for the combined surface water and foul sewer in the area and ongoing investigation into additional discharges from a combined sewer outfall into the dock beyond the level permitted. However, I am satisfied, while there are short term issues for Dwr Cymru Welsh Water to resolve in respect of the sewerage system, they are of a nature which the biomass plant will not make worse. Dwr Cymru Welsh Water did not object to the application and still have the responsibility to consent trade waste effluent in a responsible manner, ensuring there is sufficient capacity to properly treat the volume of effluent produced.
48. Pollution resulting from the use of water to tackle fires at the plant has been raised as a concern. The design of the plant has measures to contain fire water. This leads me to the conclusion the risk of contaminated water spillage is low, not only because the

risk of fire is low but the low risk of the mitigation measures failing lowers the risk of pollution even further. I recognise a spill would be devastating for the Dock ecosystem if it did occur but the lasting effect of a spill would be limited, affecting the dock in the first instance, a contained setting with no priority habitats. I therefore do not consider it is likely that significant environmental effects will occur whilst EIA is undertaken.

Fire

49. I note a particular concern has been the risk of fire, because of the air quality and risk of surface water pollution. NRW as part of the Environmental Permitting process considered fire prevention and response, in consultation with the South Wales Fire and Rescue Service. The work undertaken by Capita for Barry Town Council also considered this issue.
50. The Fire Prevention Plan submitted by the applicants was revised a number of times, however, NRW were content with the final detail provided for the Environmental Permit.
51. The impacts of fire such as water pollution are discussed in paragraph 48. A fire would be directly hazardous to staff and fire fighters. The smoke and emissions would be hazardous to nearby residents and others. However, the risk of these hazards occurring are low.
52. While a fire at the plant would have adverse environmental effects, the availability of fire fighting and containment systems mean those effects will be temporary and contained so my current view is those effects are not significant for the environment, including human health.

Flooding

53. The site, given its coastal location, is at risk of tidal flooding. While the margins of the dock, including David Davies Road, have a 1 in 1000 chance of flooding in any year, the latest NRW flood maps show the site to have a lower flood risk. While the risk of flooding is likely to increase with global warming I am not persuaded the risk is significant for the period while EIA is being undertaken.
54. Given the low risk of flooding I have not considered the flood consequences in great detail, other than to note, the release of hazardous materials in the event of a flood would be limited given their containerised storage. If the level of sea inundation was such as to threaten the plant, the devastation across the South Wales coast would be huge and the effect this particular plant would have on the long term outlook for ecosystems would be by comparison minimal.

Traffic

55. A Transport Statement submitted with the outline planning application considered the number of heavy goods vehicle (HGV) movements associated with the delivery of feedstock and the removal of ash. The number of vehicle movements associated with staff are not significant, however I note a travel plan is intended to influence the mode of trips to the site. The delivery of feedstock by ship will reduce HGV movements but, given the uncertainty of deliveries using this method, I have considered the worst case scenario to understand the likely impacts of traffic movements.
56. The main potential impacts of traffic are from the noise and air emissions, including those emissions resulting from congestion. The numbers of vehicles likely to be

generated by the development were calculated from the maximum throughput of feedstock permitted to be used (72,000 dry tonnes a year). The amount of ash to be removed each year was estimated to be 2,200 tonnes. Assumptions have been used on the load capacity of HGVs which affect the number of vehicle movements and discussion of possible routes through Barry were given consideration. Traffic count data used to inform the outline planning permission was up to 2013. Traffic data up to 2016 indicates traffic levels were broadly similar.

57. None of the predicted traffic figures have significant implications for congestion of the Barry highway network. My main concern is the effect of increased HGV numbers on people living and working in close proximity to the main HGV routes to the site, particularly the A4055 Cardiff Road. However, set against the baseline traffic flows projected forward, the additional effects from traffic connected with the site do not appear to be significant.

Visual impact

58. The site is set within an industrial landscape, a legacy of its former docks use. When viewed from the residential areas on the ridge overlooking the docks, the height of the building makes it a prominent feature among the surrounding industrial buildings and lorry parks. The dominance of the large building and chimney stack has negatively affected the view for residents living above.
59. I agree with WSP, given its large scale, I would expect more thorough assessment of the plant's visual impact to be included within an environmental statement, something the April 2021 statement has sought to address. As the plant buildings are complete, any suspension of operations which fall short of removing any structures, will not mitigate visual impacts and the effect on the landscape. The EIA process will consider the impact so I consider it premature to arrive at a conclusion on this issue and I do not consider this is an issue which makes it expedient to suspend operations.

Waste

60. Two aspects of waste arise with this project. The incoming waste stream to be used as a fuel and the ash produced as part of the gasification process. Air emissions are dealt with in paragraphs 355 to 411 above.
61. The waste wood being delivered to site will have already been processed so it can be used in the gasification process. The prior processing of the waste stream will have environmental effects, however I do not consider they are relevant to the decision before me. I note your concern about wood chip storage elsewhere on the Docks estate. While specific contracts may have been entered into to supply the plant, the plant is not constrained, other than by these specific commercial arrangements, in where it can source wood chip. I do not consider the existence of this plant is therefore directly causing environmental effects elsewhere and any indirect effects are possible to control through other planning or environmental permitting controls in their own right. The operations elsewhere are sufficiently detached so as not to form part of the same project.
62. The gasification process will produce waste ash from the bottom of the fluidised bed vessel and residue from the air pollution control system cleaning the flue gas produced. The ash is collected and stored in two sealed containers, minimising the risk of dust escaping to the atmosphere. Natural Resources Wales is of the view this process represents best available technology. The ash will be taken off site for disposal.

63. The developer has made varying claims about the percentage of ash produced compared to feedstock. The Waste Planning Assessment accompanying the outline planning condition estimates 8% residual ash, while more recently it is projected at 2.8% non-hazardous ash and 1.8% hazardous material. The ability to reuse the non-hazardous ash means the environmental impacts are limited mainly to its transportation. The production of fly ash containing hazardous material has the potential for significant effects. Its handling in sealed containers means the risks on-site are minimal. It does however require the need for land to be given over to the disposal of hazardous waste and there is a risk for environmental pollution and harm to human health. The destination is not fixed however, so any licensed tipping site could be used. It is difficult to quantify the effects when the tip site is unknown. The main risk will be pollution of watercourses and hazardous dust but as outlined in respect of the source of the feedstock, the effects are indirect and are controlled independently of this project.

Noise

64. Vale of Glamorgan Council has ongoing concerns about this issue. They consider the assessment work undertaken by the developer has not fully kept to the British Standard, such as not considering highly impulsive and low frequency noise, something confirmed by the work of WSP.
65. The revised noise assessment undertaken by the developer was checked by modelling undertaken by NRW. Their analysis included consideration of whether highly impulsive, low frequency and other issues raised by the Council had reasonably been addressed. Their conclusions were there are no likely significant effects from noise and vibration. I agree with NRW's view and conclude significant effects are unlikely while the EIA is undertaken.

Economic and Social Costs

66. There are economic and social costs weighing against suspending operations while EIA is undertaken, a period estimated to be 4 months.
67. If activity at the plant is suspended, thereby delaying the plant becoming fully operational while EIA is undertaken, the time taken to prepare an environmental statement will cost the developer a loss of earnings and the wider economy will not benefit from the permanent employment offered by the plant.
68. Suspending activity would affect the developer's contracts with its suppliers putting the jobs they created to supply the plant at risk of redundancy. The making of an order under section 102 would enable a claim for compensation to be made to the Local Planning Authority in respect of any relevant damage (see section 115 of the 1990 Act). While the developer's costs would be recoverable from the authority, this may take some time, and ultimately the cost would be borne by Local Government or Welsh Government budgets which are under particular strain at this time.
69. The developer was asked for an estimate of the costs it would incur due to a suspension of operations for four months while EIA was undertaken. In addition the Welsh Government arranged for an independent estimate of costs. I have considered these in coming to my decision.
70. The outline planning application notes up to 14 people would be directly employed at the plant. This is a modest addition to employment numbers in Barry but will be

supplemented by jobs in the supply chain. Preventing the plant operating would stop the realisation of this economic benefit in the short term.

Development Plan

71. Section 102 of the 1990 Act requires regard to be given to the development plan when considering whether it is expedient to make an order. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The relevant development plan is the Vale of Glamorgan Local Development Plan, which was adopted on 28 June 2017. The proposals map indicates the site is subject to Policy MD16 Existing Employment Sites and Policy SP9(4) Sand and Gravel Wharf Safeguarding. While various policies in the plan support development of the site, others seek to protect surrounding receptors from environmental damage.
72. The decision I am taking does not relate to the full planning merits of its continued use but relates to suspending operations while EIA is undertaken. The Local Development Plan does not provide significant direction on such an issue.
73. Other material considerations include national planning policies in Planning Policy Wales and Future Wales, which I have considered. I have taken account of our policy to base planning decisions on the most appropriate level of information. I also note Planning Policy Wales requires exposure to pollution to be minimised and reduced as far as possible. The specific policy on discontinuance orders and how that has been considered is set out above from paragraph 28 onwards.

Conclusions

74. I conclude the development comprised in the 2015 outline planning permission is Schedule 1 development and should have been subject to EIA. This follows my conclusion the application for planning permission represented a change to an existing Schedule 1 project (the 2010 planning permission). The outline planning application sought to change the gasification technology to the use of a fluidised bed but was otherwise for the same project, despite changes to the site layout and elevations.
75. The duty of sincere co-operation under European law requires the Welsh Ministers to exercise any powers available to them under domestic law to prevent the plant coming into operation, or suspend operations, until EIA has been carried out, if taking such measures is lawful and proportionate.
76. I have considered whether it is expedient to make an order under section 102 of the 1990 Act to require use of the site for a wood fired renewable energy plant to be discontinued until an environmental statement has been submitted to and considered by the Welsh Ministers.
77. In deciding whether it is expedient the main issues have been whether any significant environmental effects are occurring or likely to occur while the EIA process is undertaken and whether the benefits of suspension outweigh the costs of doing so.
78. The benefit of suspending operations while undertaking EIA is such suspension would more closely align with the intention of the law. The intention being that the possibility of significant effects occurring does not arise until after EIA has been completed

(because the works with the potential to give rise to such effects do not commence until after EIA).

79. In this case extensive environmental assessment work has already been undertaken. This work provides evidence that there are no likely significant effects on the environment, other than the visual impact which would not be mitigated by a section 102 order. Also, while public engagement in respect of the outline planning application was not particularly extensive, ample opportunities to comment on environmental information have since been provided in connection with consideration of the Environmental Permit by NRW. I have taken account of the relevant points raised by those representations in my decision today. My view on environmental impacts is solely for the purpose of deciding whether to suspend operations while EIA is undertaken. I remain open to the possibility new information may come to light as a result of the forthcoming public consultation exercise.
80. The costs associated with a suspension of operations includes the loss of earnings of the developer during the anticipated four months while use of the site is discontinued (which would likely be paid through government compensation) and the economic disbenefits caused by a delay in the creation of permanent jobs at the site.
81. These costs are currently reduced while the plant is not operating commercially but will increase.
82. I have considered how the Well-being of Future Generations (Wales) Act 2015 must be applied to this decision, including the five ways of working.
83. I have taken into account that the current decision whether or not the plant is suspended during the EIA process will not prejudice the final decision about the future of the plant, which will take account of long term effects.
84. The development of the plant has the potential for tension between the Welsh Government's well-being objectives related to economic development and environmental protection. In deciding whether to suspend operations I have had regard to the continued operation of the plant, which has economic benefits, in a way which mitigates environmental impacts.
85. I have considered that this is an interim decision in an ongoing process that will involve public engagement through an EIA process and that engagement will help to inform a final decision on the long term future of the plant. I have given regard to the many representations submitted to the Vale of Glamorgan Council, to NRW and directly to the Welsh Ministers during the period I have been considering this case. I have drawn on the evidence of a range of organisations involved, including Barry Town Council, Public Health Wales and your group DIAG.
86. The decision has considered the potential for environmental impacts and the requirement promoted through the Act to prevent problems getting worse.
87. In making this decision I have considered the Welsh Government's well-being objectives and the effect of this decision on those objectives.
88. On the basis of the evidence before me I believe that not suspending the plant during the EIA period has a limited positive effect on the objective to build an economy based on the principles of fair work, sustainability and the industries and services of the future. Also, a limited positive effect is anticipated on the objective to build a stronger

greener economy as we make maximum progress towards decarbonisation. I note what NRW have said about the Global Warming Potential of the plant and that it displaces the burning of virgin fuel from the process of electricity generation. My consideration of these issues contributes to the objective of embedding our response to the climate and nature emergency in everything we do.

89. I recognise that the wellbeing of those living close to the plant may be negatively affected by their worries and concerns. However, the evidence before me shows that the continued operation of the plant during the EIA process will not have an adverse effect on the health of the public. I consider therefore that my decision may have a limited negative effect on the objective of making our cities, towns and villages even better places in which to live and work. I also note however, that the public will be in a position to voice those concerns during the EIA process and these will be fully considered in any final decision made in relation to the plant.
90. I consider the decision has a neutral effect on the other well-being objectives as the evidence shows it would not significantly affect them either way.
91. I have also considered the negative consequences of suspending operations while EIA is undertaken including the economic harm caused to the local area and the impact on public resources of any compensation payable.
92. I have considered whether, having regard to the Welsh Minister's wellbeing duty, it would be reasonable to take a different decision. I note the only alternative decision would be to suspend the plant while the EIA process is carried out and consider that a suspension decision would negatively impact on the objective to support people and businesses to drive prosperity. Consequently, I consider that the decision not to suspend while an EIA is undertaken is a reasonable step in meeting the Welsh Ministers' well-being objectives.
93. I note in particular that this is an interim decision in an ongoing assessment of the plant's environmental impact. The evidence before me shows that the plant is not likely to have significant effects on the environment while an EIA process carried out and I have concluded the benefits of suspending operations while undertaking EIA do not outweigh the costs. This leads me to conclude it is not expedient to order discontinuance of the use of the plant while EIA is undertaken.

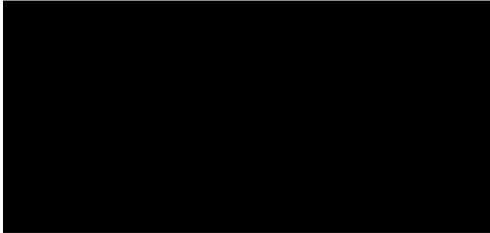
Screening of the section 73 application

94. In paragraph 111 above I concluded section 73 applications should be treated as a change or extension to a project. Therefore the development proposed in planning application 2017/01080/FUL, the addition of a water tank and parking, would have been a change to the consented project. While the 'minded to direct' letter was correct to identify the project as a Schedule 1 project, I have reconsidered the matter and concluded the development set out in planning application 2017/01080/FUL would have been a change to a Schedule 1 project, but the change in itself does not meet the description of development set out in paragraph 10. The change is therefore not Schedule 1 development.
95. The relevant project category in the table in Schedule 2 would be 13(a). The corresponding threshold in column 2 of the table is whether the development as changed or extended may have significant adverse effects on the environment.
96. As the section 73 application has been withdrawn I do not intend to consider the need for EIA in relation to the application.

Next Steps

97. In relation to the outline planning permission, I intend to undertake public consultation on the environmental statement provided by the developer.
98. I have sent a copy of this correspondence to the Local Planning Authority, the Vale of Glamorgan Council and the applicant in relation to planning application 2017/01080/FUL via their agent Power Consulting Midlands Ltd.

Yours sincerely



Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **1 SEPTEMBER, 2021**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

6. PLANNING APPLICATIONS

Background Papers

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

2021/00020/FUL Received on 27 April 2021

APPLICANT: Mr & 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 was originally required to be determined by Planning Committee under the Council's approved scheme of delegation because the application was 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 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.

EXECUTIVE SUMMARY

The application was considered by the Planning Committee on 21 July 2021 and Committee resolved not to approve the application in accordance with officer's recommendation. The application was therefore deferred for officer's to propose reasons for refusal reflecting the concerns raised by Members of Committee.

A copy of the original Officer's report is appended to this report for further information.

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.

The Officer's recommendation is still to approve the application as per **Appendix A** but the following report sets out reasons for refusal reflecting the concerns raised by Members of Planning Committee on 21 July 2021.

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.

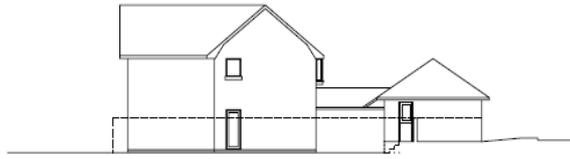
A two storey extension is also proposed on the south-eastern corner, approximately 3.7m deep and flush with both the front and side elevations of the existing dwelling. The proposed extension would continue the existing roof slope on the eastern elevation with matching eaves.

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.

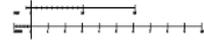
A new clad fence is also proposed to run alongside the property along the boundary with number 5 White House, (to a point approximately 0.7m away from the pavement at the front).



SOUTH FACING



WEST FACING



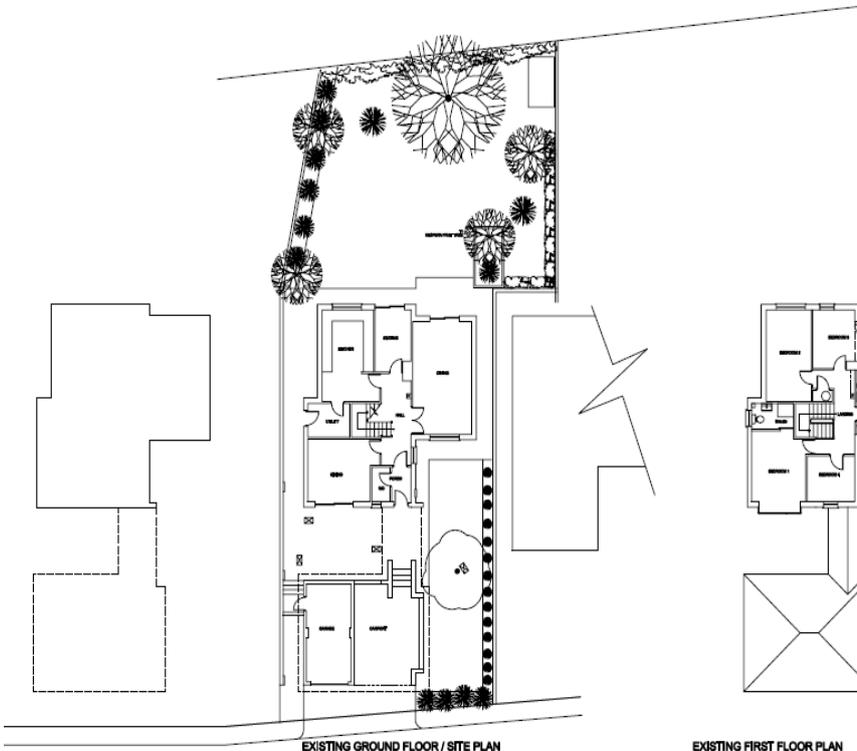
SOUTH FACING FROM HIGHWAY



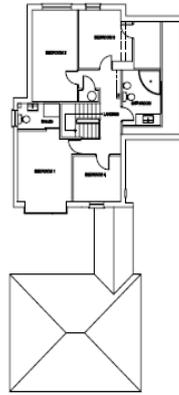
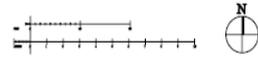
EAST FACING



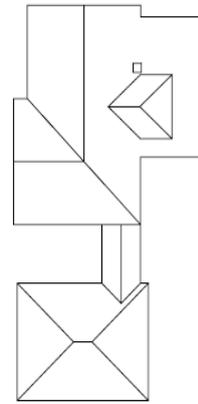
NORTH FACING



EXISTING GROUND FLOOR / SITE PLAN

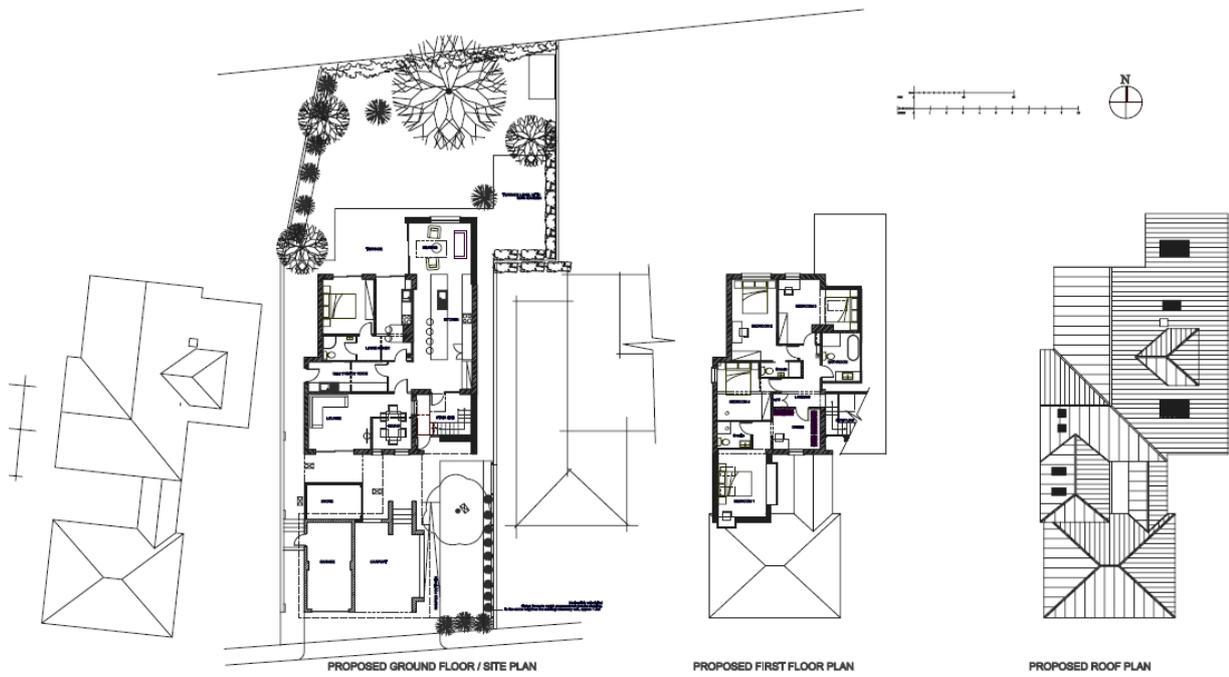


EXISTING FIRST FLOOR PLAN



EXISTING ROOF PLAN

- Material Key:**
1. Glass glazing as existing
 2. Hardwood timber windows and doors to match the existing, painted grey RAL 7033
 3. Timber frame windows to match existing
 4. Hardwood (Larch) vertical timber cladding
 5. Hardwood cladding
 6. Timber boards and rafters to match existing, painted black
 7. Black aluminium glazing to match the existing
 8. Aluminium window/door to match the existing
 9. Aluminium frame window/door light
 10. Severely wind damaged render painted white to match the existing
 11. Timber frame masonry height as the existing boundary wall - to match shading of main house
 12. Contemporary style white roof tiles with obscure glass / set 1.5m from PFA
 13. Concrete
 14. Existing 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

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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:

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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.

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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)
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- **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 Planning Committee discussed the proposals at the meeting on the 21st July and during the debate the majority of Members considered the application should be refused for the following reasons.

- The proposed development would be considered a gross over-development of the property. In addition, the proposed extension located at the front of the property would project past the building line along the row and would be an incongruous addition to the street. It was therefore concluded that the proposals would have a detrimental impact on the appearance of the streetscene and wider conservation area.
- The proposed extensions would have an unacceptable overbearing impact on neighbouring properties.
- The proposals would result in a loss of amenity space to a degree that would be considered unacceptable to the occupants of the dwelling.
- The additional bedrooms would result in an additional need for parking which cannot be met on site. The Committee felt that a reliance on street parking was unacceptable and noted the location of the property, in close proximity to junctions, would result in an un-desirable location for street parking.

With regard to Member's concerns on the loss of amenity space, the Council's approved supplementary planning guidance (SPG) requires 20sq.m of amenity space per person and states that a 3+ bedroom property would be likely to have 4 people occupying it, thus requiring 80sqm. It also states that the amenity space should be mostly private garden. In this instance, there would be approximately 22sq.m lost in the rear garden as a result of the extension – leaving an approximate total of 185sq.m as private amenity space at the rear. At the front, there would be approximately 82sq.m of amenity space remaining, a loss of approximately 28sq.m. Having regard to this, officers consider a reason for refusal on the grounds of insufficient amenity space would be unreasonable.

Taking the above into consideration, the following are provided as reasons for refusal for Member's consideration:

1. By reason of its scale and design, the proposal would result in an incongruous addition to the property that would detrimentally impact upon the appearance and character of the streetscene and wider Conservation Area. The proposals would therefore fail to comply with policies MD2 (Design of New Development), MD5 (Development within Settlement Boundaries), MD8 (Historic Environment) and SP10 (Built and Natural Environment) of the Council's adopted Local Development Plan.
2. By reason of its scale, form, proximity to the boundary with the neighbouring property and projection past the neighbour's front elevation, the proposed extension would result in an imposing and overbearing impact on the neighbour at number 1, White House to such an extent that it would unacceptably impact upon the living conditions of the occupiers. The proposal is therefore contrary to the advice set out in the Council's SPG for Residential and Householder Development, Policy MD2

(Design of New Development) and policy MD5 (Development within Settlement Boundaries) of the Council's LDP.

3. The proposals would result in an unacceptable demand for parking which cannot be provided on site or within the immediate streetscene. The proposals would therefore fail to comply with Policy MD2 (Design of New Development) of the Council's adopted Local Development Plan and also the Council's Parking SPG.

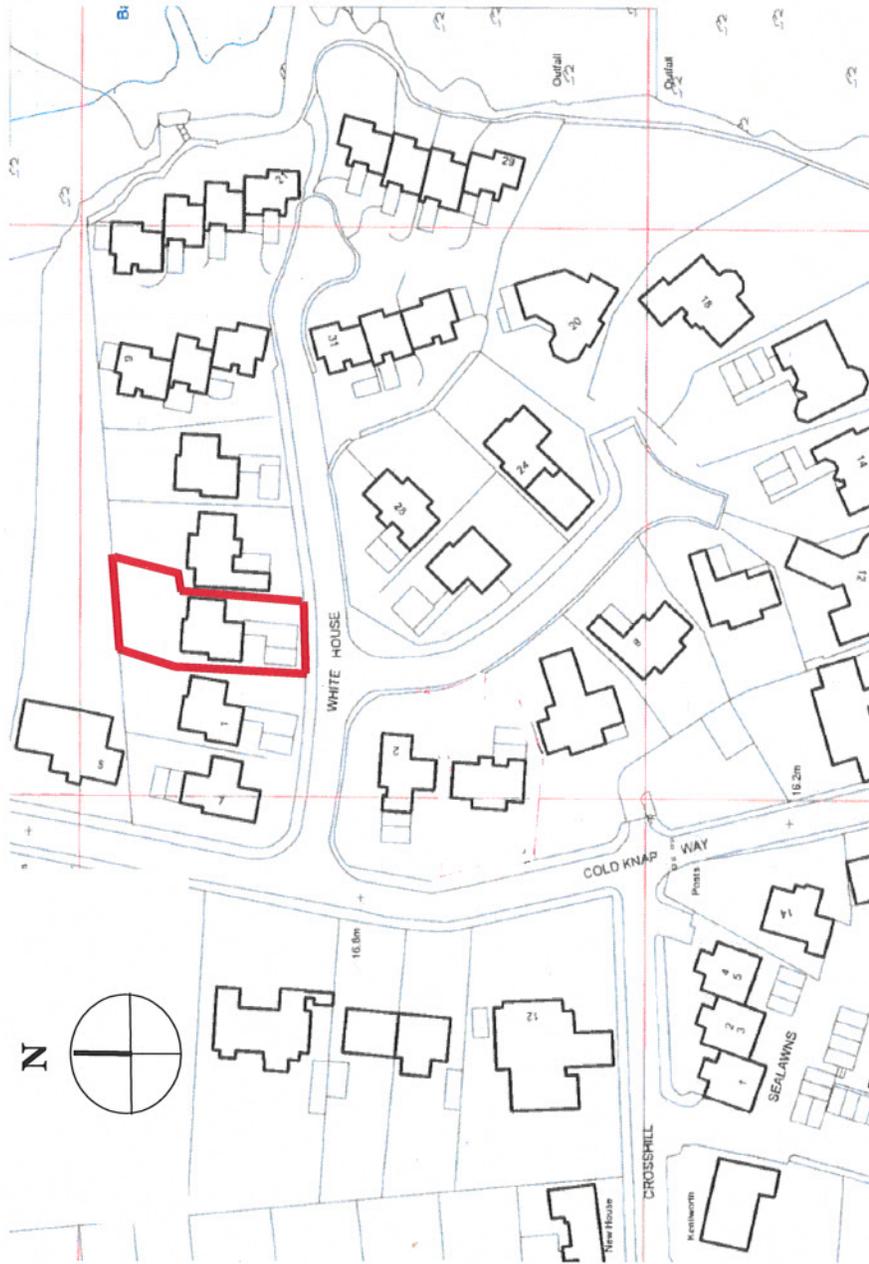
RECOMMENDATION

APPROVE

See Appendix A

REASON FOR RECOMMENDATION

See Appendix A



LOCATION PLAN 1:1250



Officer's report to 21 July, 2021 Planning Committee

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

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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.

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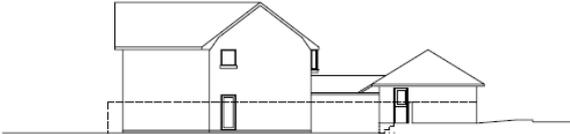
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APPENDIX A



SOUTH FACING



WEST FACING



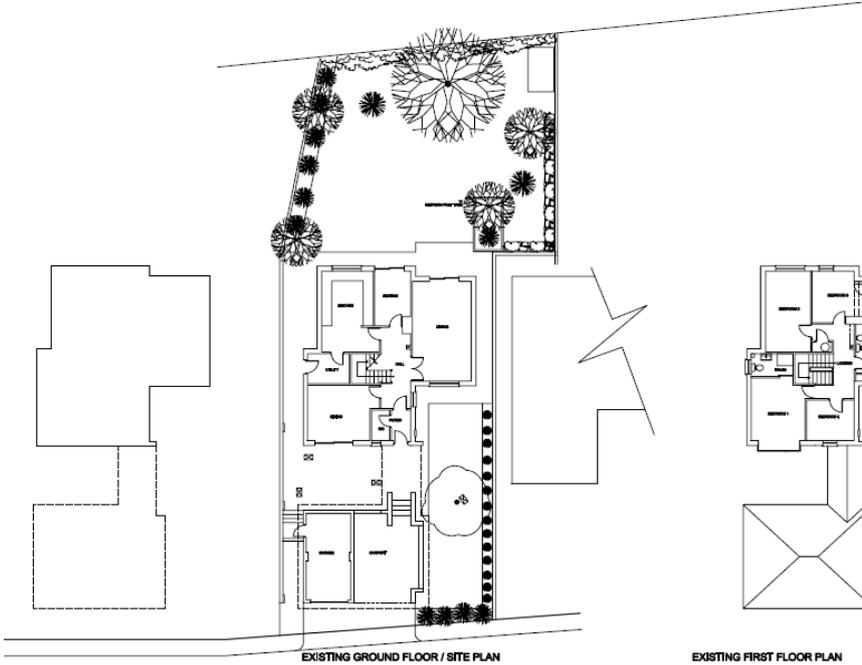
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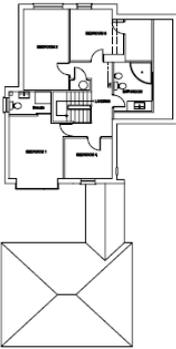
EAST FACING



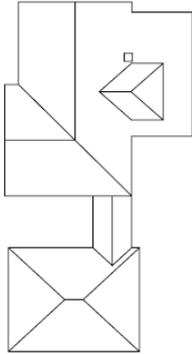
NORTH FACING



EXISTING GROUND FLOOR / SITE PLAN



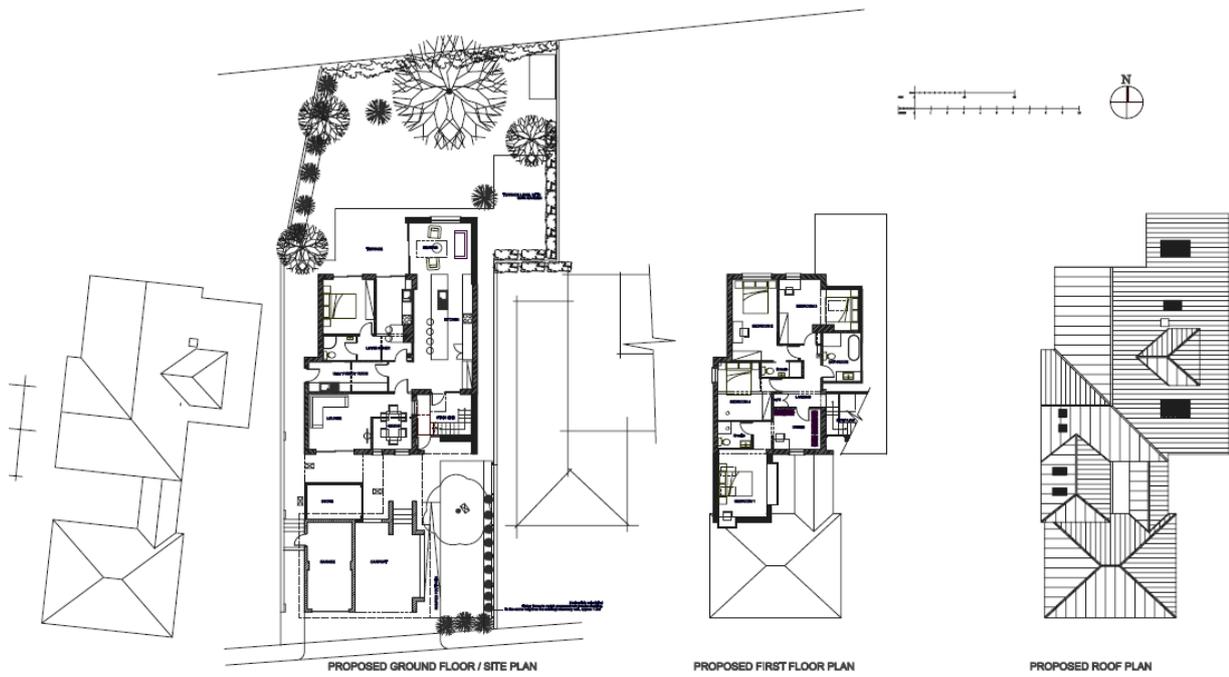
EXISTING FIRST FLOOR PLAN



EXISTING ROOF PLAN

APPENDIX A

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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

APPENDIX A

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.

2021/00316/FUL Received on 8 April 2021

APPLICANT: Mrs Mary Rose Thomas The Villa, Trehedyn Lane, Peterston Super Ely, CF5 6GL

AGENT: Andrew Parker Associates, The Old Farmhouse, Tererhyngyll, Cowbridge , CF71 7TN

Garden of The Villa, Trehedyn Lane, Peterston Super Ely

Proposed new retirement dwelling

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 M Morgan on the grounds of public interest, due to concerns regarding limited provision for where the ageing population of the Vale of Glamorgan will live, particularly in the rural areas.

EXECUTIVE SUMMARY

The proposal is for a new three bedroom dwelling within the existing curtilage a dwelling known as The Villa, located in Trehedyn Lane, Gwern y Steeple. The site is outside the settlement boundary and is within the Ely Valley and Ridge Slopes Special Landscape Area. The applicant wishes to build this as a "retirement dwelling" for herself.

No objections have been received to the proposal, one local resident has made a representation in support of the proposal and another has provided comments.

The keys issues are considered to be whether a new dwelling house is acceptable in principle in this countryside location and the provision of an appropriate contribution towards affordable housing.

Although the site is located within an existing group of dwellings forming Gwern-y-Steeple, it is located approximately 1100 metres from the settlement boundary containing the core part of Peterston Super Ely and the services this provides, along a route with no footway and little verge to provide refuge for pedestrians. Although Gwern-y-Steeple is served by the no. 320 bus service, with the site being approximately 150 metres from the nearest bus stop, this appears to only be a two hourly service, with six services provided daily Monday to Saturday. As such, the site is not considered to be a sustainable location for a new dwelling, contrary to Policy MD1 (Location of New Development) of the Local Development Plan and paragraph 3.60 of Planning Policy Wales, and the application has been recommended for refusal for this reason.

In respect of the applicant's personal circumstances, it is noted that she is concerned regarding her ability to be able find a suitable dwelling for a retired person within the community and therefore whether she can stay living within the community in the long term. It is acknowledged the proposal subject of this application would provide the applicant with a smaller house and garden area to manage.

While sympathy is expressed for the applicant's concerns, the policy does not make any exceptions for the provision of market retirement housing in the countryside. In addition, there is not considered to be any particular reason why retirement housing should be exempt from the requirement to be sustainably located.

In respect of the provision of affordable housing, Policy MG4 requires a 40% affordable housing contribution on this site. However, the Planning Obligations SPG states that the requirement to pay an off-site affordable housing contribution is not applicable for self-build housing developments. The applicant's agent has confirmed that the proposal is for a self-build dwelling and has confirmed the applicant is willing to enter in to a section 106 agreement. However, no legal undertaking to secure the above has been presented as part of the planning application. On this basis, a refusal reason is also recommended to ensure that in the event of an appeal being submitted, the requirement to follow the Council's self-build exemption procedure can be secured, as well as the payment of the affordable contribution if it is not, or if an exemption is not claimed.

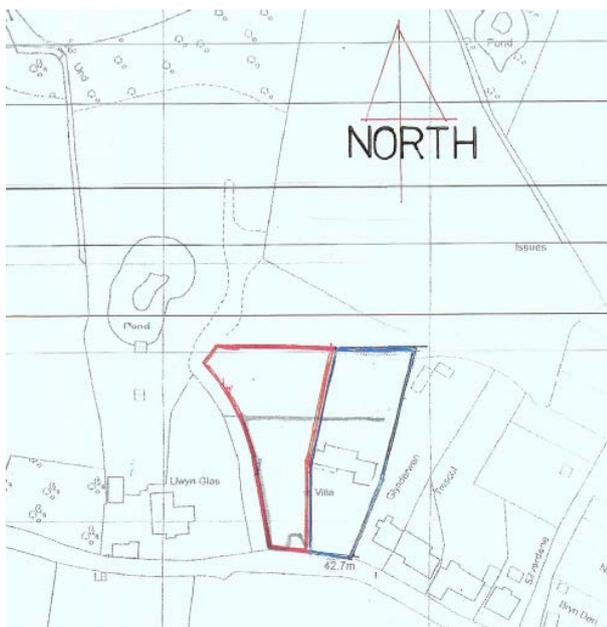
SITE AND CONTEXT

The site is within an area known as Gwern-y-Steeple. It is on Trehedyn Lane, which runs between Peterston Super Ely and Pendoylan. It forms part of the existing curtilage of The Villa, which is a large modern detached dwelling. The Villa sits within an existing row of dwellings.

The site is outside of the settlement boundary for Peterston Super Ely and is within the Ely Valley and Ridge Slopes Special Landscape Area.

The site is largely within an area considered to be at risk from surface water flooding, with the risk defined as less.

Site Location Plan:



Site Photographs:

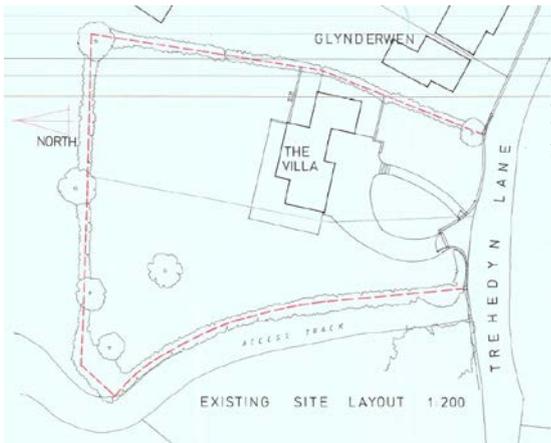


DESCRIPTION OF DEVELOPMENT

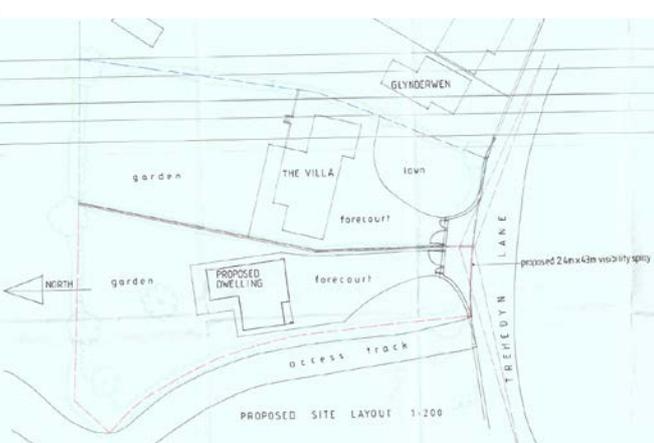
Planning permission is sought for a detached dwelling to the west of the existing dwelling, described as a retirement dwelling. The covering letter submitted with the application states that the applicant currently lives in The Villa and intends to sell this property and downsize into the dwelling that is proposed by this application. The letter goes on to say that the applicant has lived in Peterston Super Ely for over 40 years and would like to remain in the village.

The proposed dwelling is a three bedroom 1 ½ storey dwelling, with an integral garage. The dwelling is proposed to be finished in a mix of render and stone with a natural slate roof. It will require an alteration to the existing access arrangements to provide separate access for both the existing and proposed dwellings. Foul sewage is proposed to be disposed of via a septic tank.

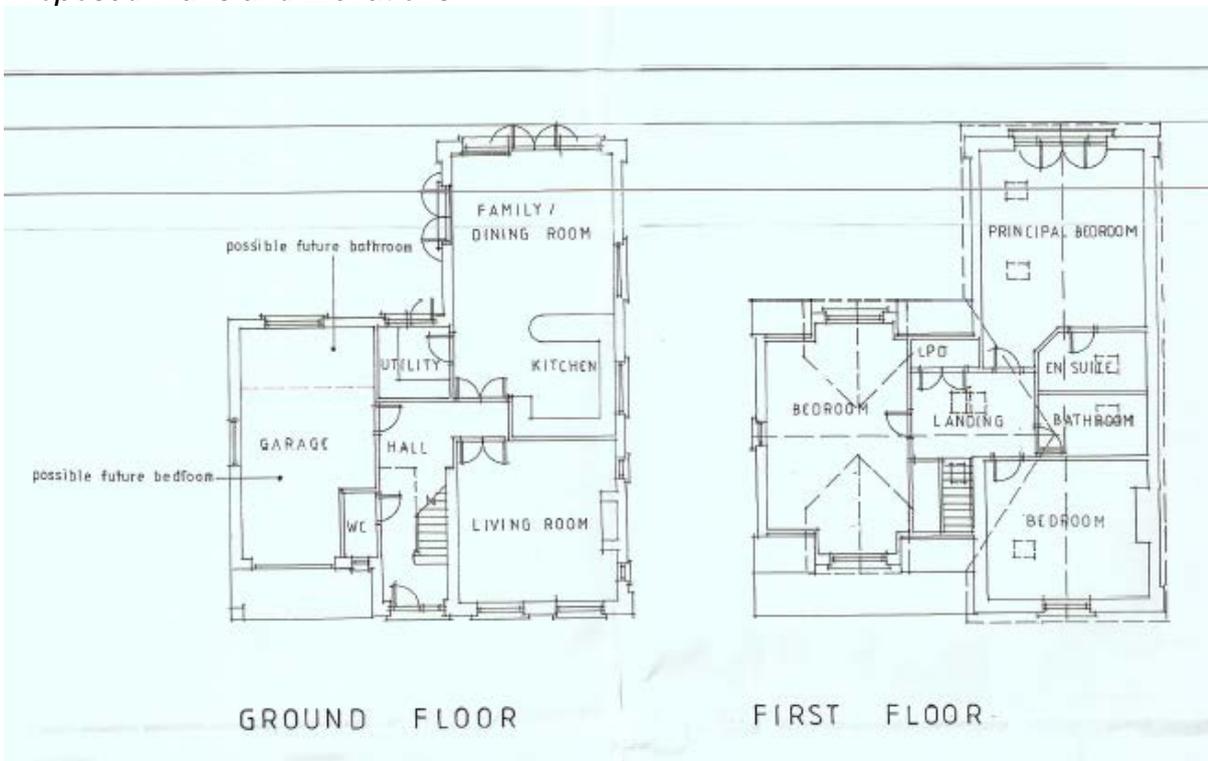
Existing Site Plan for The Villa:



Proposed Site Plan for The Villa:



Proposed Plans and Elevations:





PLANNING HISTORY

2007/01277/OUT, Address: The Villa, Pendoylan Road, Gwern-y-Steeple, Proposal: Outline application for one detached house in part of existing garden as infill, Decision: Refused 16th November 2007, for the following reason :

1. *By reason of its location outside the settlement boundary of Peterston-super-Ely and its relationship to the existing built and natural environment, the proposal represents an unjustified form of development in the countryside, which is unsympathetic to the environs of the site and would have an unacceptable effect on the character and wider visual amenities of the area. It is therefore considered that the development does not constitute the logical rounding off of the settlement nor can it be considered a form of infilling within the group of dwellings. The proposal is therefore contrary to Policies ENV1 - Development in the Countryside, ENV27 - Design of New Developments, HOUS2 - Additional Residential Development, HOUS3 - Dwellings in the Countryside and HOUS8 - Residential Development Criteria, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice contained within Planning Policy Wales (2002).*

2011/00104/FUL, Address: The Villa, Pendoylan Road, Gwern Y Steeple, Proposal: Proposed residential dwelling, within curtilage of existing house, Decision: Withdrawn 3rd March 2011.

2021/00317/FUL, Address: The Villa, Trehedyn Lane, Peterston Super Ely, Proposal: Proposed extension to first floor including removal of flat roof and new first floor bedroom. Decision: Pending.

CONSULTATIONS

Councillor M Morgan was consulted on 9th April 2021 and 15th June 2021. He responded on 28th June 2021 advising that he supports this application and hopes that in due course the Welsh Government and the Council can adopt a clear policy on retirement housing, particularly in the rural Vale. Councillor Morgan requests that delegated power be removed if the application is not recommended for approval on the grounds of public interest. He states the following in his representation:

“We are told that by the year 2035 the population of the Vale over the age of 75 is expected to have risen by 70 % but we have limited provision for where our aging population will safely live. In particular, there is no current planning policy for the provision of retirement dwellings in our rural communities.

I speak regularly with the more mature residents of the communities within my ward. There are many who, like Mrs Thomas, have invested their lives in their communities, raising families, building businesses and helping to develop a variety of social organisations. These people become the lifeblood of our communities. They then reach a stage in life when their children have left, they may be widowed and are worried about where they will spend their twilight years. Often they hang on in family homes with which they cannot cope because they wish to remain in the communities they love. So often when illness strikes and an older person is admitted to hospital a decision may be made that they cannot be discharged to their own home because it is no longer suitable.”

The copy of Councillor Morgan’s supporting letter submitted with the planning application is also attached.

Council’s Housing Strategy Team were consulted on 9th April 2021. They responded on 16th April 2021 advising that there is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2019 Local Housing Market Assessment (LHMA) which determined that 890 additional affordable housing units are required each year to meet housing need in the area.

The need is further evidenced by the following figures from the council’s Homes4U waiting list the ward of Peterston Super Ely:

PETERSTON S ELY	
1 BED	26
2 BED	14
3 BED	8
4 BED	4
	52

This application is for one residential unit, and in line with the 40% affordable housing requirement of the SPG, they would ask for a contribution based on the size of property most in demand. The ACG of a one bedroom property in zone 5 is £119,700, with the contribution required being 0.4 x AHC x ACG equating to £27,770.40. Housing Strategy were consulted again on 15th June 2021, and they responded with the same advice.

Council’s Highways Development Team were consulted on 9th April 2021. They responded on 28th April 2021 advising that there is no objection in principle, however the following information is required to be provided: it is unclear from the plans as to the internal dimensions for the garage provided as part of the new dwelling. The Council’s

Parking Standards requires internal dimensions for garages to be minimum 6m x 3m to accommodate parking. If these dimensions are not achievable then an additional parking space will be required to be provided within the curtilage of the property; the proposed new vehicular access to the site shall have a minimum clear width of 3.60 metres (4 No. dropped kerbs) and be completed in materials approved by the Local Planning Authority. The applicant is required to contact the Highways Section prior to carrying out any works on site adjacent to the adopted highway. Highways Development were consulted again on 15th June 2021 but no further comments have been received at the time of writing this report.

Peterston Super Ely Community Council and the Council's Drainage Section were consulted on 9th April 2021 and 15th June 2021, but no comments have been received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were consulted on 9th April 2021 and on 15th June 2021.

A site notice was also displayed on 26th April 2021 and on 14th June 2021 and two letters of representation have been received to date.

One representation has been received from the adjacent neighbour at Llwyn Glas commenting on the application and have no objection to the proposal. However, for clarity, they advise that the labelled "access track" on the plan is actually the driveway of their property and the entrance to this driveway is labelled "ex gate", however they actually have double wrought iron gates at this entrance. In addition advise that there is a fence on the boundary of this driveway, not a hedge as shown on the plan.

One representation has been received from the occupier of Sycamore Court supporting the application. This advises the applicant has lived in the village for many years and plays an active role in community life. It also advises that the impetus for the application is a desire for the applicant to downsize her accommodation due to changed personal circumstances and remain in the community. They believe that it is of benefit to the village if ageing residents can remain in the community and continue to play their part in village life. The representation also considers that the garden is large enough to accommodate a new dwelling and this will be a sustainable development. It advises Trehedyn Lane has a bus service, and major supermarkets provide regular deliveries to the village.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

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

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG4 – Affordable Housing
POLICY MG17 – Special Landscape Areas

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD7 - Environmental Protection
POLICY MD9 - Promoting Biodiversity

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

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

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

Chapter 5 – The Regions

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

Policy 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 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

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
- Development in the Countryside (including new housing)

Chapter 4 - Active and Social Places

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

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

Technical Advice Notes:

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 – Design (2016)

Welsh National Marine Plan:

National marine planning policy is in the form of the Welsh National Marine Plan (2019) (WNMP). 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). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Affordable Housing (2018)
- Biodiversity and Development (2018)
- Design in the Landscape (2006)
- Model Design Guide for Wales (2005)
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide (2006)
- 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
- Welsh Office Circular 13/97 - Planning Obligations

Well-being of Future Generations (Wales) Act 2015

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

Issues

The keys issues are considered to be whether a new dwelling house is acceptable in principle in this countryside location and the provision of an appropriate contribution towards affordable housing.

Principle of Development

Planning application 2007/01277/OUT was refused on the grounds that the proposal represented an unjustified form of development in the countryside, which was unsympathetic to the environs of the site and would have an unacceptable effect on the character and wider visual amenities of the area.

Although the above application was refused some time ago and the current application has to be considered using current planning policy, the site is still outside of any settlement boundary and therefore within the countryside.

The application is accompanied by a supporting letter from Councillor M Morgan advising that the applicant is concerned that the time may come when she is unable to cope as a single person in a house designed for a family, and as there is a limited choice of housing for elderly and retired people within the community, she may have to move away from the community in the future. It states that "it should be possible for our rural communities to grow naturally so there is room for all generations". This letter is also submitted as part of a response to the planning application from Councillor Morgan (as set out above).

The key Local Development Plan policy in considering whether the principle of the development is acceptable in this location is Policy MD1 (Location of New Development). The criteria of this policy include that development shall have no unacceptable impact on the countryside, reinforce the role and function of the key settlement of Barry, the service centre settlements, primary settlements or minor rural settlements (including Peterston Super Ely) as key providers of commercial, community and healthcare facilities, and have access to or promote the use of sustainable modes of transport. The subtext at paragraph 7.2 advises that "new development will be directed to those locations that are accessible by sustainable transport and reduce dependence on the private car and indicates that the Council seeks to direct development to the most sustainable locations.

The settlement boundary for Peterston Super Ely is split into two separate parts, with one part containing the housing accessible from Wyndham Park Way, and one part containing the more historic and core part of the village, that includes a shop, pubs, community hall and school.

Although the site is located within an existing group of dwellings forming Gwern-y-Steeple, it is located approximately 1100 metres from the settlement boundary containing the core part of Peterston Super Ely, along a route with no footway and little verge to provide refuge for pedestrians. It is acknowledged Gwern-y-Steeple is served by the no. 320 bus service which runs between Talbot Green and Cardiff, with the site being approximately 150 metres from the nearest bus stop. However, this appears to only be a two hourly service, with six services provided daily Monday to Saturday.

As such, the site is not considered to be a sustainable location for a new dwelling and it is likely that the future occupiers would be reliant on the use of the private motor car to gain access to facilities and services, in the absence of any viable and safe walking routes.

Therefore it is not considered that the proposal would meeting national and local objectives of reducing dependence on the private car. It is not considered to reinforce the role of settlements as providers of services, as it would provide a new dwelling some distance from the boundary of a settlement.

In respect of the applicant's personal circumstances, it is noted that she is concerned regarding her ability to be able find a suitable dwelling for a retired person within the community and therefore whether she can stay living within the community in the long term. It is noted from the plans submitted with planning application 2021/00317/FUL for an extension to The Villa that the existing house is a four bedroom house with a large downstairs living area. It is acknowledged the proposal subject of this application would provide the applicant with a smaller house and garden area to manage.

While noting the applicant's concerns, particularly as she has lived in the area for a long time, the LDP policies do not make any exceptions for the provision of market "retirement" housing in the countryside. In addition, although it is acknowledged that Policy SP1 (Delivering the Strategy) requires the provision of a range and choice of housing to meet the needs of all sectors of the community, there is not considered to be any particular reason why retirement housing should be exempt from the requirement to be sustainably located. This is because the occupants of such housing will still need to access services in the same way as occupants of other dwellings.

As such, the proposal is considered to be contrary to Policy MD1 (Location of New Development) of the Local Development Plan. It is also considered to be contrary to paragraph 3.60 of Planning Policy Wales which provides advice on the controls on development in the countryside, and advises that

"development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation."

Affordable Housing

In respect of the provision of affordable housing, Policy MG4 (Affordable Housing) requires that an appropriate contribution is made towards affordable housing where housing developments are proposed.

Technical Advice Note 2: Planning and Affordable Housing defines affordable housing as housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers. Affordable housing includes social rented housing, provided by local authorities and registered social landlords, and intermediate housing, where prices or rents are above those of social rent but below market housing prices or rents.

LDP Policy MG4 (Affordable Housing) states that residential developments will be required to contribute to meeting affordable housing need and should meet the levels of affordable housing set out in the policy. In the case of the rural Vale of Glamorgan (where this site is located), the policy requires:

40% affordable housing on residential developments resulting in a net gain of 1 dwelling or more; or the conversion of existing buildings resulting in a net gain of 2 or more dwellings.

Based on the net gain of one dwelling the policy would require an off-site affordable contribution based on 0.4% of an affordable housing unit. Housing Strategy have advised that they would seek a contribution towards the cost of building a one bedroom unit, which would equate to a contribution of £27,770.40.

However, the Planning Obligations SPG states that the requirement to pay an off-site affordable housing contribution is not applicable for self-build housing developments, defined as a dwelling built, or commissioned to be built, by a person, who will occupy it as their sole or main residence for a minimum period of 3 years from first occupation. This still requires a Section 106 Agreement to be entered into, setting out the affordable housing contribution, the self-build exemption procedure, and that the payment of the contribution will be required if an exemption is not claimed or the procedure not followed.

The applicant's agent has confirmed that the proposal is for a self-build dwelling and has confirmed the applicant is willing to enter in to a section 106 agreement containing the exemption procedure, and to pay the above sum in the event the exemption is not claimed or the procedure not followed. However, no legal undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the above has been presented as part of the planning application. On this basis, a refusal reason is recommended to ensure that in the event of an appeal being submitted, the requirement to follow the Council's self-build exemption procedure can be secured, as well as the payment of the affordable contribution if it is not, or if an exemption is not claimed.

Visual Impact

Notwithstanding the above concerns regarding the location of the dwelling and the principle of development, it is within a group of existing dwellings. The dwellings in the immediately surrounding area vary in style. The additional dwelling will have some impact when viewed from Trehedyn Lane, although the new dwelling will clearly be viewed and built within the garden of The Villa. The design and appearance of the dwelling is not one which would cause significant visual impact on the character of the countryside nor the special landscape area it sits within.

It is unclear from the plans submitted what vegetation would need to be removed to construct a dwelling, but it is considered that this and the creation of the new access arrangements are likely to involve the removal of two larger trees at the site entrance, some hedgerow at the front of the site and some garden shrubs. It is noted these two trees have already had their crowns removed and are therefore of little amenity value, and it is not considered that other vegetation likely to be removed has any significant value either. It is however considered that if the application was to be approved, the scheme should be subject to a landscaping scheme that includes significant tree planting of suitable to ensure species, to ensure the appearance of the development is appropriate to its countryside location and ensure a biodiversity enhancement.

Impact on Neighbouring Dwellings

It is not considered the proposal would have any significant impact on the amenity of neighbours given the siting of the dwelling within the plot and its elevations, in respect of overbearing and overlooking impacts.

Amenity Space

Section 10 (Amenity Space) of the Residential and Householder Development SPG states that amenity space is essential and provides a number of important functions that contribute towards a resident's enjoyment of a property. Those essential functions include space for relaxation, entertainment and play; gardening and cultivation; clothes washing and drying; DIY; and waste, cycle and other domestic storage.

Design Standards 4 states;

For houses, a minimum of 20 sq.m amenity space per person should be provided, and the majority should be private garden space. *typically a 2 bed house would have 3 persons, 3+ bedrooms would typically have 4 persons.*

The proposed dwelling would have a large rear garden which would exceed the size required based on the level of occupancy of the proposed dwelling. Whilst the garden of the existing dwelling would be reduced by approximately half, the remaining area of garden would still be of an adequate size to more than meet the Council's standards for usable and private amenity space provision, in line with Design Standard 4 of the Residential and Householder Development SPG and Policy MD2 of the LDP.

Highways

It is considered that there is sufficient room to the front of both dwellings to provide parking for three cars outside each and the provision of on-site turning, and to provide appropriate access arrangements. It is considered that a final layout for parking and access could be conditioned if the application were to be approved.

Drainage

While the risk of surface water flooding would need to be considered in the provision of a suitable surface water drainage scheme for the proposed dwelling, this is not considered to be a significant issue in the determination of the planning application. The applicant would be required to make a separate application to the Council as Sustainable Drainage Approval Body (SAB) for the approval of the surface water drainage.

Other Matters

The concerns raised by the neighbour regarding the accuracy of some aspects of the plans are noted. These have been taken into consideration in assessing this planning application.

RECOMMENDATION

REFUSE

1. By virtue of the distance and substandard walking route between the application site and the closest settlement and services, future occupiers of this dwelling would likely be highly reliant on the private car. Consequently, the development would not support the principle of locating new residential development in sustainable locations. The development would, therefore, conflict with Policies SP1 - Delivering

the Strategy, MD1 - Location of New Development and MD2 - Design of New Development of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 as well as national policy identified within Planning Policy Wales (Edition 11, 2021).

2. Although the applicant has confirmed that the proposal is for a self-build dwelling and they are willing to enter in to a legal agreement containing the Council's self-build exemption procedure, and to pay the requested affordable housing contribution in the event the exemption is not claimed or the procedure not followed, in the absence of such a legal agreement being in place the proposal is considered contrary to Policies MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Vale of Glamorgan adopted Local Development Plan 2011-2026, the Vale of Glamorgan Affordable Housing Supplementary Planning Guidance (2018), the Vale of Glamorgan Planning Obligations Supplementary Planning Guidance (2018), Planning Policy Wales (Edition 11, 2021) and Technical Advice Note 2: Planning and Affordable Housing (2006).

REASON FOR RECOMMENDATION

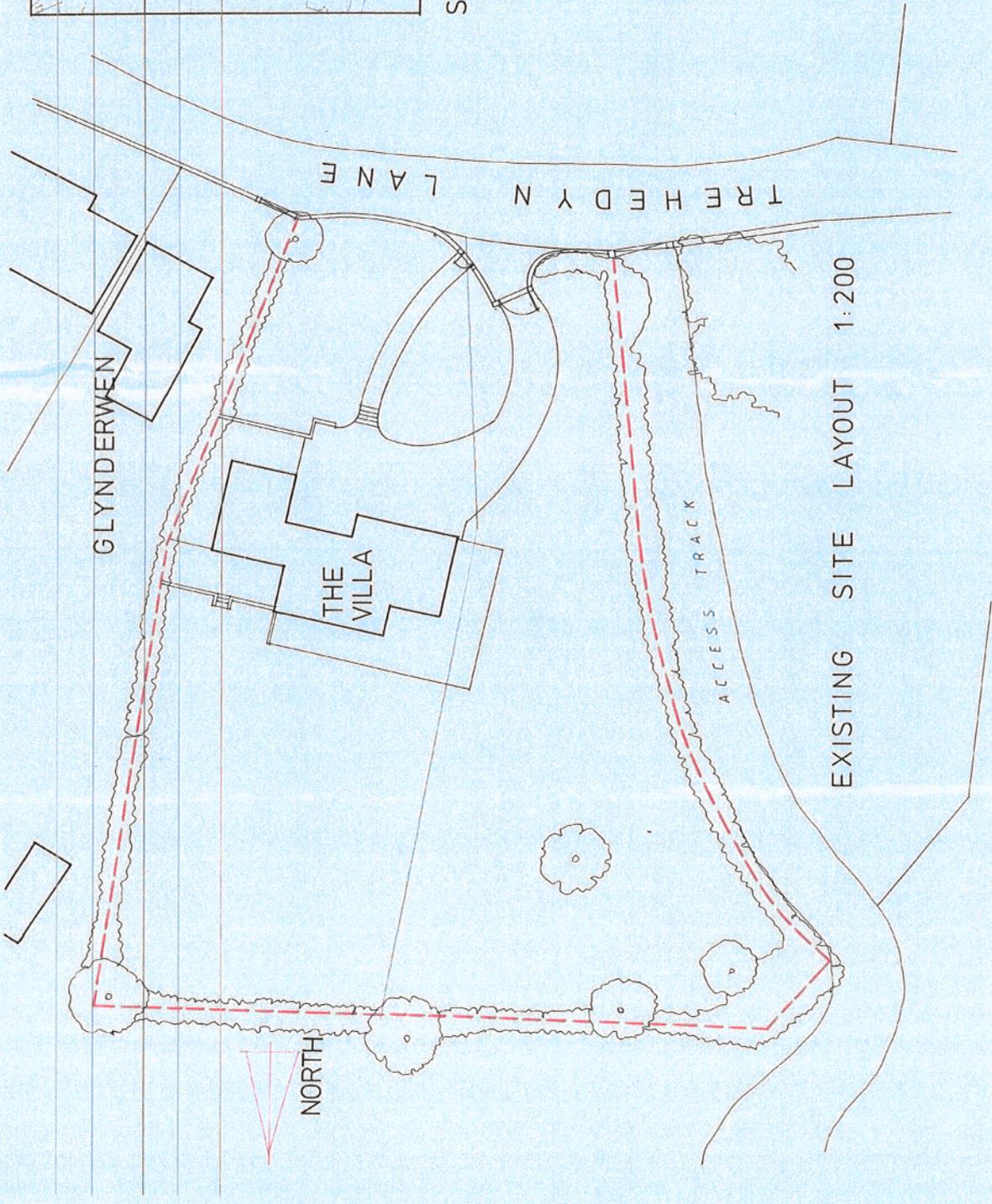
The decision to refuse recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations 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.

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.

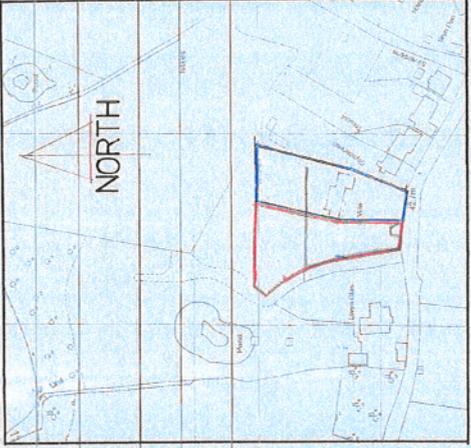
The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

NOTE:

1. **The applicant is advised that should they wish to appeal this decision on the basis of the first reason for refusal, a planning obligation should be submitted to the Planning Inspectorate with that appeal for the payment of the specified affordable housing contribution.**



EXISTING SITE LAYOUT 1:200



SITE LOCATION PLAN 1:1250

2021/00316/FUL

ADDRESS: GARDEN OF THE VILLA, TREHEDYN LANE, PETERSTONE SUPER ELY, VALE OF GLAMORGAN		DRAWING NUMBER: 796/PI/01	
JOB TITLE: PROPOSED NEW DWELLING BUILT TO PASSIVE ENERGY STANDARDS		SCALE: 1:500 (S.A.)	DATE: MARCH 2020
DRAWING TITLE: EXISTING SITE LAYOUT PLAN		PH	
ANDREW PARKER ASSOCIATES ARCHITECTS, LANDSCAPE AND DESIGN CONSULTANTS THE VILLA, TREHEDYN LANE, PETERSTONE SUPER ELY, VALE OF GLAMORGAN, WALES, CF23 7ET. Tel: 01443 37885 Email: andrew@apark.co.uk <small>THESE DRAWINGS MAY BE SCALED FOR PLANNING PURPOSES ONLY DO NOT SCALE FROM THIS DRAWING FOR CONSTRUCTION PURPOSES ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES IN DIMENSIONS ALL WORK TO CURRENT BUILDING REGULATIONS AND STANDARDS THIS DRAWING IS COPYRIGHT</small>			

2021/00378/RG3 Received on 18 March 2021

APPLICANT: Vale of Glamorgan Council, The Alps Depot, Alps Quarry Road, Wenvoe, CF5 6AA

AGENT: Mr Nathan Slater Dock Offices, Subway Road, Barry, CF63 4RT

Land at Hayes Wood, The Bendricks, Sully

Proposed affordable residential scheme for 53 units 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 that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

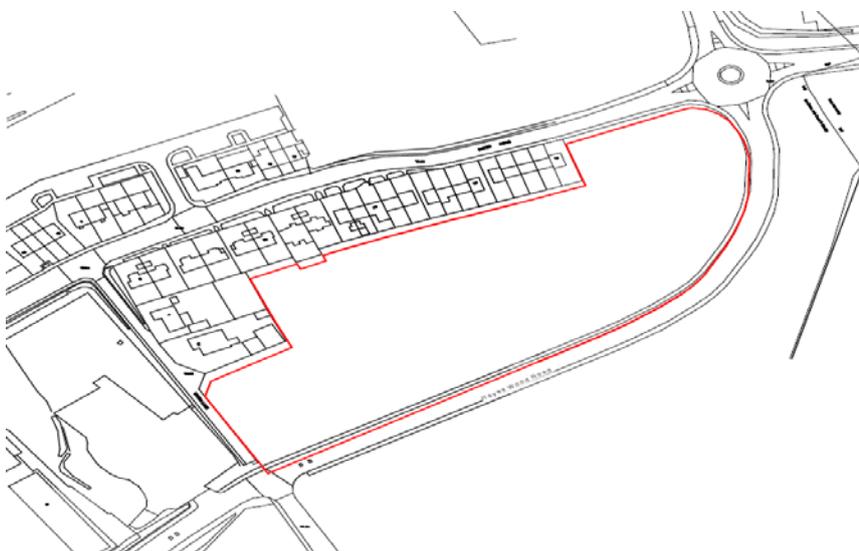
The application is for the redevelopment of a parcel of land at Hayeswood Road, Barry, which sits in between the Atlantic Gate employment site and a Local Development Plan housing allocation. The proposal is for 58 affordable dwellings, comprising a mix of one, two, three and four bedroom units. Access would be directly from Hayeswood Road and this would lead to an internal road and parking area of 86 spaces.

The main issues relate to the principle of the development (including the relationship with adjacent employment uses), the design and visual impact, highway safety and parking, impact on residential amenity and ecology.

There have been 2 objections to the scheme, while further concerns have been conveyed via Councillor Pamela Drake regarding the noise likely to be created by passing HGVs. Having considered the above issues, the proposed development is recommended for approval, subject to conditions.

SITE AND CONTEXT

The application site is land at Hayeswood Road, Barry, as shown on the plan below:



The plans below show street scene elevations, and the elevations of the dwellings and apartments:





View looking North East Along Hayes Wood Road



Apartment block - Front elevation
1:50

Schedule of materials



Apartment block - Side elevation 1
1:50



As noted above, vehicular access to the development would be from Hayeswood Road and this would lead to an internal road that serves the parking spaces for the 'front' row, and also the secondary row to the rear. The proposals include the widening of the existing footway along the site frontage to 3.5m wide and the introduction of a new right turn lane into the site from Hayeswood Road. Internally there would be 86 parking spaces to serve the 53 units. The eastern part of the site would accommodate the drainage works and an area of public open space.

PLANNING HISTORY

1993/00035/OUT, Address: Development at Hayes Wood, Industrial Estate off Hayes Road, Sully, Proposal: Industrial & warehouse units (B1 & B8) and new access road, Decision: Approved

1994/00721/FUL, Address: Windmill Site, Hayes Road, Barry, Proposal: New roundabout on Hayes Road with associated access road and highway drainage, plus preparatory earthworks and boundary fencing, Decision: Approved

1995/00012/FUL, Address: Development at Hayes Wood, Industrial Estate off Hayes Road, Sully, Proposal: General clearance of overgrown areas to site boundary, and regrading of ground to form even slope, seeded on completion (Consent for industrial development granted 93/00035/OUT), Decision: Approved

1996/01073/REG3, Address: Atlantic Trading Estate / Hayes Wood Industrial Estate, Barry, Proposal: Construct new road and improve existing estate roads (Minute No. 222); demolition of units 2A and 11, Decision: Approved

CONSULTATIONS

Barry Town Council *supports the proposed development of affordable housing of 53 units at Hayes Wood Road, The Bendricks, Barry subject to reiterating the following requirements; Prior to any works commencing on site that the improvements to Hayes Wood Road must be undertaken and completed to the satisfaction of the local planning/highway authority Prior to any works commencing on site a detailed Wildlife Protection and Biodiversity Management scheme must be agreed with the local planning authority and overseen by the authority's Ecology officer. Prior to any works commencing on site a detailed public safety management scheme in relation to the proposed drainage and detention pond system within the site be prepared and agreed with the local planning authority.*

Highway Development have requested conditions relating to matters include the provision of a 3.5m wide cycleway/footway, a right turn ghost island, engineering details and haulage routes.

Councils Drainage Section- No representations received to date.

Shared Regulatory Services (Pollution)- No objection subject to conditions requiring submission of a CEMP and compliance with the recommendations in the noise assessment.

Glamorgan Gwent Archaeological Trust- No representations received.

Local ward members- Councillor Pamela Drake has raised concerns on behalf of a local business, regarding use of the road by heavy goods vehicles, and the potential for residents to seek to curtail the business. **Councillor Mahoney** has raised concerns regarding the measures recommended in the noise report to protect some properties against noise.

Dwr Cymru Welsh Water have advised that foul flows can be accepted to the public system.

Housing Strategy (Affordable Housing) support the application and have provided advice regarding local affordable housing need.

The Council's Ecology Officer initially raised concerns in respect impacts on slow worm and grassland, however, further to a mitigation statement being submitted, there is now no objection subject to conditions.

Natural Resources Wales have raised no objection. They have provided advice in respect of flood risk and requested a contaminated land condition.

REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. Two letters of objection have been received, and the grounds are summarised as follows:

- Lack of an Environmental Impact Assessment
- Biodiversity impacts
- Contaminated land
- Loss of trees
- Parking issues
- Environmental impacts
- Apartments are not appropriate

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP3 – Residential Requirement

POLICY SP4 – Affordable Housing Provision

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan

POLICY MG2 – Housing Allocations

POLICY MG4 – Affordable Housing

POLICY MG19 – Sites and Species of European Importance

POLICY MG20 – Nationally Protected Sites and Species

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD3 - Provision for Open Space

POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD5 - Development within Settlement Boundaries
POLICY MD6 - Housing Densities
POLICY MD7 - Environmental Protection
POLICY 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 2 – Planning and Affordable Housing (2006)
- 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)

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:

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

Other relevant evidence or policy guidance:

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

The principle of the development and affordable housing need

The application site lies within the settlement boundary of Barry and within the Local Development Plan housing allocation (see Policy MG2). It is therefore considered that the development is wholly compliant with policy in respect of the principle of residential development on this site. The plan below shows the settlement boundary in this part of the town:



Given that the site lies within the settlement boundary of the town, a residential development is acceptable in principle and consequently the development need not be justified further with reference to local affordable housing need (as may be the case with a rural affordable housing site). However, as context it is relevant to note the affordable housing need in the area

Local need for affordable housing within the Vale is well evidenced by the Council’s Local Housing Market Assessment which determined that 890 additional affordable housing units were required each year to meet housing need in the area, with Barry being one of the areas in highest need. There is a target for 3,252 affordable residential units to be provided over the plan period as identified by policy SP4 of the Local Development Plan. The need is further evidenced by the following figures from the Council’s Homes4U waiting list in the ward of Castleland:

CASTLELAND	
1 bed	341
2 bed	141
3 bed	43
4 bed	8
5 bed	1
	534

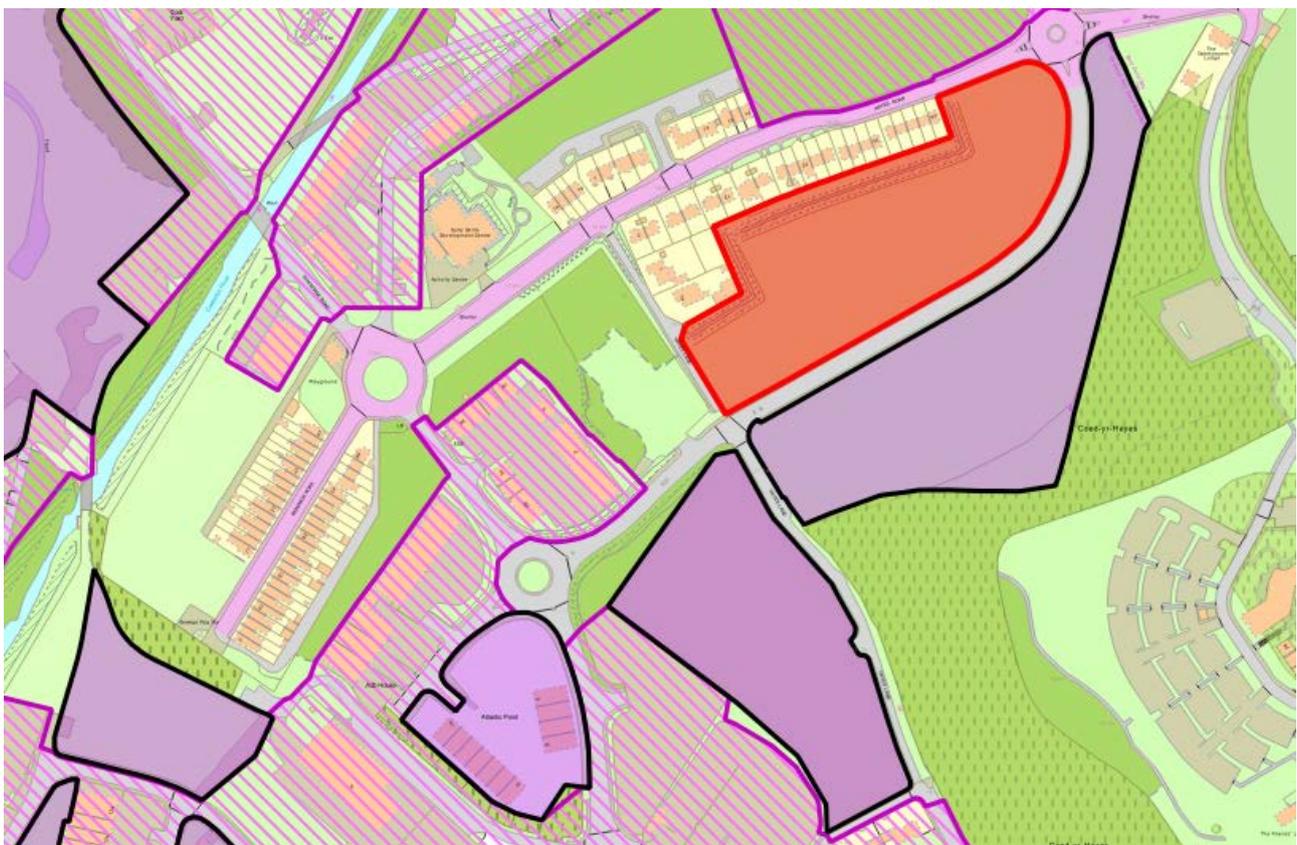
The table above shows registered affordable housing need in the Castleland ward of Barry. A significant amount of new housing has been approved in Barry in the last 10 years and a number of large schemes fall within this ward, for example Arno Quay (2016/01290/RES- 20 affordable units), the former Magistrates Courts (2012/01114/FUL- 52 affordable units) Subway Road (2018/01108/FUL- 72 affordable units), land at Hayes Road (2019/00603/FUL- 23 units), Windsor Public House (2019/01060/FUL - 18 units), Sea View Labour Club (2019/01061/FUL- 28 units) and Castle Hotel (2019/01062/FUL- 14 units). A further circa 35 units have been approved on the ‘East Quay’ parcel of the Waterfront.

Notwithstanding the developments/applications listed above (and the in principle acceptability of the development by virtue of its location within a settlement) the overall number of affordable units being delivered would still not meet the need identified in the table above. Consequently, it is considered that there is an identified need for these units, which would assist the Council in meeting local affordable housing demand.

Policy MD6 of the LDP sets out what represents an acceptable housing density, in order to ensure the efficient and best use of land. Within Barry the policy requires a minimum of 30 dwellings per hectare and based on this site area of just under two hectares, the density would be approximately 29.5 per hectare. However, while this is only very nominally below the policy target of 30 in any case, part of the site is undevelopable due to constraints, including the amount of land required to implement a SuDS scheme. Consequently it is considered that this represents an efficient use of the site which complies with the aims of this policy.

The relationship with nearby employment uses

The site lies adjacent to residential developments, albeit it also lies in close proximity to employment uses and allocated employment land. On the plan below, the red denotes the site/housing allocation, the hatched purple is existing employment land and block purple is employment allocations. The green land to the west of the site is currently the subject of a residential development, approved in 2019.



Planning Policy Wales (para 5.4.15) states that whilst employment and residential uses can be compatible, planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised.

The site's context was considered at the time of its allocation in the Local Development Plan, at which time the location was considered acceptable for residential development in principle. Notwithstanding that, the application is also supported by a noise assessment to consider the impact of existing uses on the proposed dwellings. The noise assessment concludes that subject to certain recommendations relating to acoustic insulation, the occupiers of the dwellings should not be subject to unacceptable noise impacts. The Council's Environmental Health officer has considered the report and raises no objection. Councillor Mahoney has raised concerns regarding the report's recommendations that three of the units be fitted with mechanical measures to assist with cooling, should windows be closed. It should be noted that all dwellings would be fitted with openable windows to enable purge ventilation if required, and it is considered unlikely that a scenario would arise where the most critical times for noise protection coincided with temperatures which would necessitate mechanical cooling if windows were closed. Consequently, and given that the noise assessment concluded that only three units would require extra measures for robustness in any case, it is considered that the findings do not suggest that the site is fundamentally unacceptable for residential development.

Representations have been received from neighbouring industrial users (via Councillors), raising concerns regarding the noise that may be generated from industrial units and the movements of associated vehicles, and the potential for occupiers to seek to curtail industrial activities. Policy MD14 states that new proposals for B1, B2 and B8 uses on allocated and existing employment sites will be supported. Other more noisy activities that do not require planning permission need not be subject to an appraisal of impact on residential amenity and any future complaints to the Council's Environmental Health Section would clearly have regard to the established and allocated nature of the land. It is, therefore, considered highly unlikely that any complaints from subsequent residents about activities at existing authorised/allocated sites would have a material impact on the running of those sites.

While it is understandable that commercial operators will want to ensure that developments do not have adverse impacts on the commercial viability of their sites, it is considered in this case that the development is not likely to have such effects, such that there would not be conflict with the above PPW advice.

Design and visual impact

The development would present an active frontage to Hayeswood Road, which bounds the site, and while there is no particular prevailing pattern of development to this street, this is an appropriate approach which will ensure a visually engaging layout. In the wider context, it would be viewed as a continuation of the frontage that forms part of the adjacent development currently being constructed. The main road and footways through the development would be constructed in block paving and opposed to tarmac, and this would create a pleasant and visually more informal environment.

The dwelling houses are each relatively modest in scale and height, similar in massing to the adjacent approved dwellings and those to the rear. They would be of a generally

traditional pitched roof form, but would be more contemporarily detailed than the nearby houses, with modern projecting bays and grey windows. Subject to the use of appropriate materials it is considered that the development would positively contribute to the wider built environment and would possess a visually interesting character.

The flats would contain three storeys of accommodation. However, they would be flat roofed and consequently their height would not be significantly greater than the dwelling houses. They would have a greater massing and presence than the dwellings, however, this is considered appropriate at the north eastern corner of the site, close to the roundabout, where it would appear as a focal building. While the building would be relatively simple in form, the elevations would contain recessed balconies and projecting bays, which would give them appreciable depth and relief. Subject to the use of a quality material and a modern grey fenestration, it is considered that the building would successfully complement the dwellings and would also be a positive building in this context.

The development would result in the loss of three trees relatively centrally within the site, however, these are Category U trees (leaning, multi stemmed specimens with signs of storm damage and decay) which makes them unsuitable for retention. Three further trees along the site's northern boundary are also categorised as unsuitable for retention, however, their removal would have limited impact on the appearance and substance of the group, given its size and maturity. The development layout would enable the vast majority of the trees to be retained (all which are not categorised as unsuitable due to their condition) and they would be supplemented by over 30 new trees as part of a planned landscaping scheme. Consequently, it is considered that the development is acceptable in respect of trees and their contribution to visual amenity.

Having regard to the above, it is considered that the proposed development would have due regard to the wider built environment and would comply with Policy MD2 of the LDP in respect of design and visual impact.

Impact on neighbours/residential amenity

The proposed dwellings would be in well excess of 21m from the dwellings to the rear and in addition, the tree cover between the site and those dwellings would remain. While the rear of plots 9-14 would be just less than 20m from the side of the end dwelling in the adjacent approved development, there are no habitable room windows on its end elevation. Consequently, the dwellings would be far enough away from existing neighbouring units to ensure that they would not appear overbearing and that there would be no harmful privacy impacts. Similarly, there would be over 21m between habitable rooms of dwellings within the development and the buildings would be sited in an arrangement that would not result in overbearing and unneighbourly impacts between on and another.

A Construction Environmental Management Plan (see condition 6) would minimise the temporary construction impacts and would ensure that construction activities are only undertaken during appropriate hours.

Having regard to the above, it is considered that the development would not adversely impact upon residential amenity, both of existing residents around the site and of those that would occupy the development (in accordance with policies MD2 and MD7 of the LDP, and the Council's SPG).

Other points of objection

In respect of the other points of objection, the development is significantly below the Environmental Impact Assessment threshold, but biodiversity and contamination impacts have been assessed in any case. While the nearby residential buildings are generally dwelling houses, there is not considered to be any reason why apartments are not acceptable in this context, subject to the building being of an appropriate design and scale. The other issues raised in the two public objections are discussed elsewhere in the report.

Parking and highways issues

The development would be accessed via a new crossover from Hayeswood Road. This access point would afford drivers and pedestrians good visibility along Hayeswood Road and it is of an appropriate width and geometry. Fine detail of the site access would be controlled by a Section 278 highways agreement, however, for the purposes of the planning assessment it is considered to be a safe and appropriately designed access (the Highways Engineer has confirmed accordingly).

The plans involve providing a new right turn ghost island on Hayeswood Road, and this will ensure that there will be no unacceptable impacts on the free flow of traffic (i.e. vehicles waiting to turn right across traffic will not hinder flows along Hayeswood Road).

The proposals also include widening the footway on Hayeswood Road to 3.5m wide on both sides of the access. This would function as a combined cycleway/footway, which would connect with the cycleway/footway that runs through the adjacent development site. i.e. it would enable pedestrian/cycle access between Hayes Road and Hayeswood Road without pedestrians/cyclists needing to continue along to the roundabout at the entrance to Atlantic Industrial Estate.

The Local Development Plan identifies a proposed cycle route as shown below and these works would connect this site to it and to Hayes Road at the eastern end of the site.



Eighty six parking spaces are proposed to serve the 53 units. Each of the dwelling houses would be served by at least 2 spaces, which is considered to be comfortably adequate to serve their needs, particularly given their size and tenure. The flats would have at least one space available each, with extra for visitors. This is considered to be an appropriate level of parking which is commensurate to the likely need, and has regard to the affordable nature of the units and the fact that the Council's parking standards are maximums. I.e. they reflect the thrust of local and national policy to de-prioritise car use, in favour of more sustainable modes. The site is well connected to bus routes, with bus stops close to the site on Hayes Road, and pedestrian links along the adjacent highways are good.

The internal road is of the appropriate width and tracking plans have shown that the required vehicles can turn within the site. The main carriageway would be finished in block paving which, in addition to creating a pleasant visual environment, is likely to assist in keeping vehicle speeds low.

The development is likely to lead to a marginal increase in traffic within the local highway network, however, the highway is not presently subject to notable levels of congestion and the development is not of such scale that it would significantly affect traffic flows. The Transport Statement concludes that the development is likely to lead to an increase of, on average, one additional peak hour movement every 3 to 4 minutes during peak times. It is therefore unlikely that this level of traffic will cause any significant congestion issues on the surrounding highway network.

Having regard to the above, the proposal is considered acceptable in respect of highways/transport impacts, and it would accord with policies SP1 and MD2.

Open Space

Each of the dwellings would be served by a private rear garden, and while they would not in some cases amount to 20m² per person, these gardens are nevertheless considered to be of an acceptable size to meet the outdoor amenity needs of the occupiers. The flats are surrounded by areas of shared open space which would meet the outdoor relaxation needs of the occupiers. Balconies are also proposed to serve individual units.

Policy MD2 of the LDP requires open space to be provided in accordance with the Council's standards, and these are set out in the Planning Obligations SPG and policy MD3, as follows:

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

While space for outdoor sport space cannot practically be provided on site (and would very rarely be provided on a development site of this size), there is space for a play area in the eastern part. Outdoor sport provision, can be dealt with by financial contribution- see Section 106 Section below.

The Council's Planning Obligations SPG requires 18.56m² of play space per dwelling, comprising 5.8m² of equipped space and 12.76m² of other play space. This totals approximately 983m², however, there is just under 400m² proposed on site. It is considered in this case that the significant affordable housing need in the area warrants a high density of development, such that the shortfall can be made as a payment in lieu of on-site provision (see Section 106 section below). The submitted layout does not provide details of a specific play layout, however, the applicant has confirmed that play provision can be accommodated and this is dealt with by Condition 16.

Ecology

The application is accompanied by an ecological report/survey, which concluded that the site is supporting large numbers of slow worm. The Council's Ecologist initially raised a holding objection given the absence of a mitigation/translocation strategy. However, one has now been submitted and approved by the Ecologist, and this will involve translocation of slow worm to Cosmeston Park. Long term management (at least 20 years) is to be dealt with in the proposed Section 106 Legal Agreement.

The Ecologist also initially raised concerns regarding impacts on semi-improved lowland grassland. Similarly, a translocation method statement has now been submitted and approved by the Ecologist, and this will involve translocation to other Council owned land in the area.

Further advice has been provided in respect of translocating plants, sensitive lighting for bats, and ecological enhancements, and all of these matters are covered by ecology conditions 10 to 12.

Natural Resources Wales (NRW) have considered the Ecological Assessment and conclude that European Protected Species (EPS) are unlikely to be significantly affected by the proposals. NRW therefore have no adverse comments to make in relation to the proposals.

Drainage and flood risk

The site does not lie within high flood risk zones (as defined by the Development Advice Maps associated with Technical Advice Note 15- Development and Flood Risk), but the application is nevertheless accompanied by a Flood Consequences Assessment, given that some of the wider highway infrastructure away from the site could, in certain events, be subject to flooding. NRW note that the FCA recommends the production of a Flood Warning And Evacuation Plan and that residents should sign up to the flood warning service so they can evacuate before roads flood. However, given that the site itself and its access point are not likely to be subject to high flood risk, NRW raise no objection in this respect.

The type and scale of the proposal means it reaches the threshold to implement a Sustainable Drainage System (SUDS). Consequently, a SUDS application has been submitted alongside the planning application seeking approval from the SUDS Approval Body (SAB) in relation to the proposed drainage for the development. The proposed layout incorporates permeable paving on the internal and car parking areas which act as attenuation storage to accommodate the surface water run-off from the site. Furthermore, a swale and attenuation pond are included within the layout design to accommodate surface water flows on the site.

In respect of foul drainage, the strategy suggests connection to the Dwr Cymru Welsh Water (DCWW) foul sewer, and DCWW have offered no objection in principle to this. In summary, the proposed development is considered acceptable in respect of foul and surface water, and flood risk.

Section 106 issues

At the Council's Cabinet meeting of the 5th September 2016, there was a resolution approved to waive the requirement to seek financial obligations on 100% affordable housing sites of twenty-five units or less, where the development is made by the Council or the four housing associations zoned by Welsh Government to develop in the Vale. Accordingly, section 106 contributions are sought for this development on the basis of 28 units (53 less 25).

Sustainable Transport

Having regard to the cost of providing and upgrading sustainable transport facilities, the Council's Planning Obligations SPG provides a basis to consider the type of contribution that may be likely to mitigate the impacts of a development of this size. This is a key aim embodied in national and local planning and transport policies, which the Council is keen to deliver. In this case, a sustainable transport contribution is required to ensure that the site is sufficiently accessible by a range of modes of transport other than the private car, such that it may be considered a sustainable site.

While the site is in a sustainable location, residents would potentially be reliant on local transport facilities and consequently, a sustainable transport contribution is considered reasonable and proportionate to the need arising from the development. The applicant has agreed to a request of £64,400 which accords with the rationale set out in the Council's SPG for 28 units. This money can be spent on improving access to and from the site and local services/facilities by sustainable modes, cycle provision in the town centre, etc.

Community facilities

The Planning Obligations SPG acknowledges that new residential developments place pressure on existing community facilities and create the need for new facilities. Therefore, it is reasonable to expect new residential developments of this scale to contribute towards the provision of new, or enhancement of existing, community facilities.

The Council has developed a formula to calculate reasonable levels of contributions for community facilities, which has been derived from an analysis of the costs associated with providing such facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The formula set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. The applicant has agreed to an amount of £35,280 which reflects the need that results from the development (based on 28 units) and accords with the guidance in the Council's SPG.

Public Open Space

Policy MD2 of the LDP requires open space to be provided in accordance with the Council's standards, and these are set out in the Planning Obligations SPG and policy MD3, as follows:

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

While public open space cannot practically be provided on site, the Council's SPG makes provision for payment of a contribution to be used to improve and upgrade public open space near to the site. In this case and based upon 21 units (28 minus 7 provided for on-site), this would equate to £56,028 and this would be spent on improving facilities at areas of public open space that would be used by occupiers of the development.

Education

LDP Policy MD5 requires developments to make appropriate provision for community infrastructure to meet the needs of future occupiers, and educational facilities are listed as such community infrastructure in policy MD4. PPW emphasises that adequate and efficient services like education are crucial for the economic, social and environmental sustainability of all parts of Wales. It makes it clear that development control decisions should take account of social considerations relevant to land use issues, of which education provision is one.

The Council's rationale for calculating pupil demand contained in the Planning Obligations SPG indicates that the development of 28 dwellings would generate the need for education facilities for 3 nursery school age children, 8 primary school age children, 6 secondary (aged 11-16) school age children and 1 secondary (aged post-16). Consequently, the Council has requested the following Section 106 contributions for education facilities, which the applicant has agreed to:

- Nursery - £54,747 (3 x £18,249)
- Primary - £127,743 (7 x £18,249)
- Secondary (11-16)- £164,988 (6 x £27,498)
- Secondary (16-18) - £29,823 (1 x £29,823)

Total £377,301

Public Art

The Council's SPG requires developers to set aside a minimum of 1% of their project budget specifically for the commissioning of art and the public art should be provided on site integral to the development where possible. The applicant has agreed to this requirement, which will be 53% of 1% of development costs (given that 28 units is 53% of the total development).

Ecology

The Legal Agreement should also be used to secure monitoring of the translocated slow worm population.

RECOMMENDATION

Subject to secure mechanisms being in place to cover the following:

- Pay £377,301 for education purposes for the provision or enhancement of educational facilities in schools serving the development for Nursery, Primary and Secondary school children.
- Pay a contribution of £35,280 towards new community facilities in the area, to serve the development.
- Pay a contribution of £64,400 towards sustainable transport facilities in the vicinity of the site.
- The developer shall provide public art on the site to the value of 0.53% of the build costs or otherwise pay a contribution to the same value to the Council.
- Pay a contribution of £56,028 towards providing or enhancing public open space in the vicinity of the site.
- To agree details of financial measures to secure the management of habitats for translocated slow worm and grassland, and monitoring provisions, and details of management and monitoring of ecological areas.
- Pay an implementation fee of £10,660.

Deemed planning consent be GRANTED subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

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

2. This consent shall only relate to the following plans and documents (other than where they are superseded by the requirements of other conditions on this planning permission):

A001A, A002M, A003C, A004C, A005C, A006C, A007CA008B, A009C, A010C, A011C, A012C, A013B, A014B, A015A, L01 V11, 17122)1A, 17122 2, 17122 3A, 17122 F1, 17122 F2.

David Clements Ecological Assessment March 2021

Acstro Transport Statement February 2021

Hunter Acoustics Environmental Noise Assessment 6202/ENS1_REV1

The development shall be carried out strictly in accordance with these details.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

3. Prior to the first beneficial occupation of any of the dwellings, the footway along the site frontage shall be widened to a 3.5m wide combined cycleway/footway and the right turn lane shall be implemented, in accordance with plan A002 Rev M.

Reason:

In the interests of highway safety/cycle safety and to ensure compliance with Policies MD1 and MD2 of the LDP.

4. The parking areas shall be laid out in accordance with plan A002 Rev M prior to the first beneficial occupation of the unit that they relate to, and they shall be retained at all times thereafter to serve the development.

Reason:

In the interests of parking and highway safety and to ensure compliance with policy MD2 of the LDP.

5. Notwithstanding the submitted plans/forms and prior to their use in the construction of the development hereby approved, further details and samples of the external materials to be used (including the block work to be used for any hard surfaces) shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and maintained at all times in accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

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

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction and hours of deliveries to site;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xii) diesel and oil tank storage areas and bunds (where appropriate);

- xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
- xiv) a system for the management of complaints from local residents which will incorporate a reporting system.
- xv) routes for construction vehicles accessing the site.

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

Reason:

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

7. In the event that contamination is found at any time when carrying out the development that was not previously identified, it shall be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place (unless otherwise agreed in writing) until a scheme to deal with the contamination found has been approved in writing by the local planning authority. The scheme shall include an investigation and risk assessment and where remediation is necessary a remediation scheme and verification plan shall be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority, prior to the first beneficial occupation of any of the dwellings approved.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies MD2, MD5 and MD7 of the Local Development Plan.

8. Notwithstanding the submitted plans, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development, and measures for nesting birds.

Reason:

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

9. 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 MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

10. The development shall be carried out and thereafter maintained in accordance with the measures and recommendations contained in the David Clements Ecology Ecological Assessment March 2021 and the David Clements Ecology Mitigation Statement June 2021.

Reason:

In the interests of ecology and to ensure the development accords with Policy MD9 of the Local Development Plan.

11. Prior to the occupation of any of the residential units, a scheme of ecological enhancements (including timescales for their implementation) shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved details, and retained at all times thereafter.

Reason:

In the interests of ecology and to ensure the development accords with Policy MD9 of the Local Development Plan.

12. Notwithstanding the submitted plans and prior to the erection/installation of any external lighting, details of a lighting scheme which has regard to bat flights paths shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be lit in accordance with the approved scheme.

Reason:

In the interests of ecology and to ensure the development accords with Policy MD9 of the Local Development Plan.

13. The development shall be carried out and thereafter maintained in accordance with the measures and recommendations contained in the Hunter Acoustics Environmental Noise Assessment 6202/ENS1_REV1.

Reason:

In the interests of ecology and to ensure the development accords with Policy MD9 of the Local Development Plan.

14. Prior to the first beneficial occupation of the development hereby approved, a Travel Plan shall be prepared to include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be implemented in accordance with the approved details.

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.

15. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing or any future guidance that replaces it.

Reason:

In order to ensure that the site delivers appropriate provision of affordable housing to meet the identified need and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP4 (Affordable Housing Provision), MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan.

16. Prior to the first beneficial occupation of any of the dwellings, a scheme for the provision and maintenance of all public open spaces (including a layout of children's play equipment, the timing of its provision and any enclosures, and details of safety measures regarding the drainage basin) shall be submitted to and approved in writing by the Local Planning Authority. The public open spaces shall thereafter be provided and retained in accordance with the approved details.

Reason:

To ensure the timely provision of the public open space and to ensure compliance with Policies MD2 and MD3 of the Local Development Plan.

17. The development hereby approved shall have a minimum of 10% of all car parking spaces provided therein to have active (fully wired and connected) electric vehicle charging points, prior to beneficial occupation of the development, which shall remain available for their designated use in perpetuity.

Reason:

To ensure satisfactory provision electric vehicle charging point parking to serve the development to ensure compliance with Policy 12 (Regional Connectivity) of Future Wales - The National Plan 2040.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1– Delivering the Strategy, SP3 – Residential Requirement, SP4 – Affordable Housing Provision, SP10 – Built and Natural Environment, MG1 – Housing Supply in the Vale of Glamorgan, MG4 – Affordable Housing, MG19 – Sites and Species of European Importance, MG20 – Nationally Protected Sites and Species, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD4 - Community Infrastructure and Planning Obligations, MD6 - Housing Densities, MD7 - Environmental Protection, MD8 - Historic Environment, MD9 - Promoting Biodiversity and MD10 - Affordable Housing Developments outside Settlement Boundaries of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Future Wales, National planning policy in the form of Planning Policy Wales (Edition 11), Technical Advice Notes 1, 2, 11, 12, 15, 16 and 18, and the Council's Supplementary Planning Guidance on Affordable Housing, Biodiversity and Development, Parking Standards, Planning Obligations, Public Art in New Development, Residential and Householder Development, Sustainable Development - A Developer's Guide, Tourism and Leisure Development, Travel Plan and Trees, Woodlands, Hedgerows and Development, the proposed development is considered acceptable in principle and in respect of design and layout, residential amenity, parking, highway safety, amenity/open space, drainage, flood risk and ecology.

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. You are advised that there may be species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
- 2. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

3. **The proposed development site may be crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 9172652.**
4. **New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

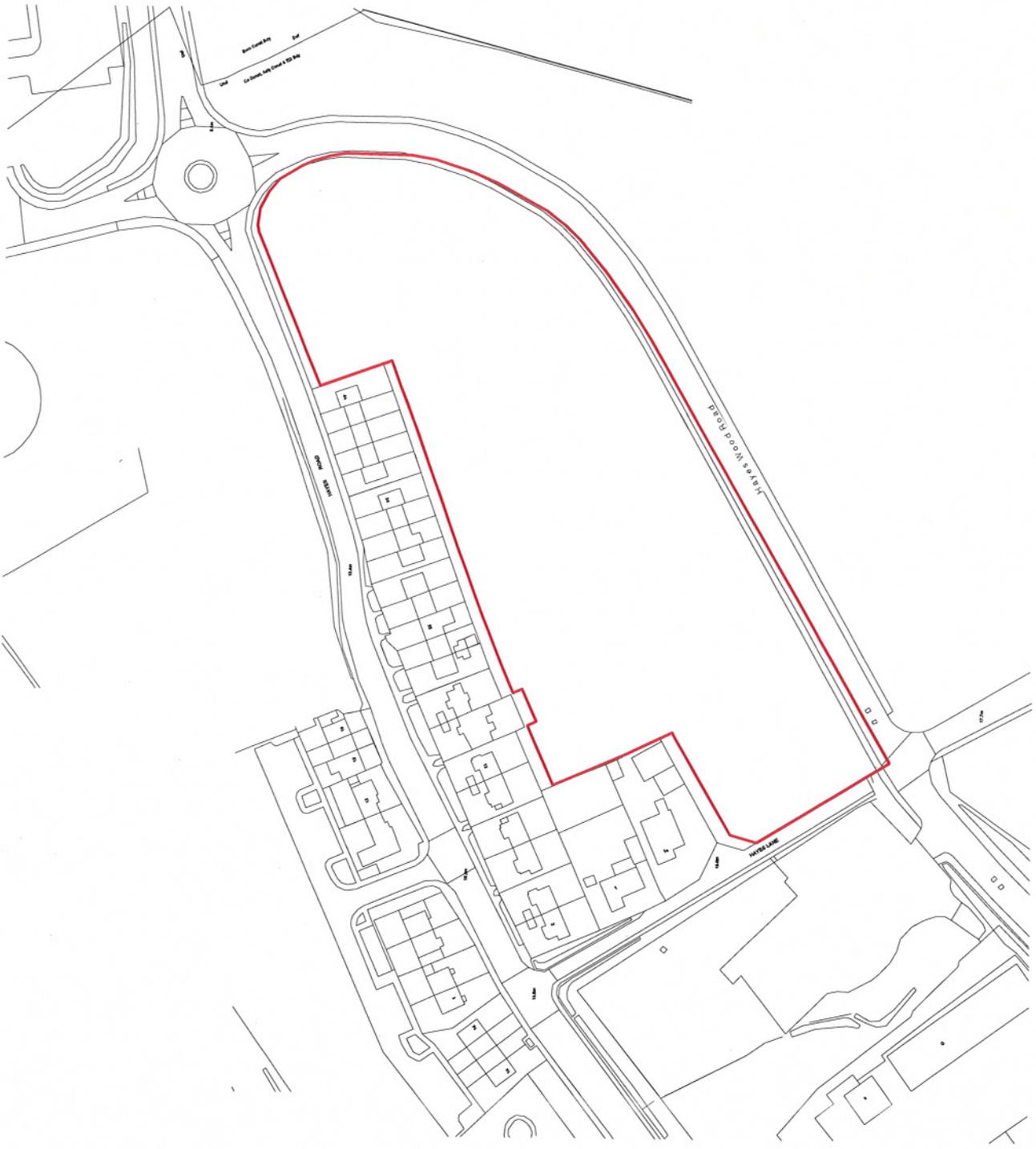
Further information of the SAB process can be found at our website or by contacting our SAB team: sab@valeofglamorgan.gov.uk

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.

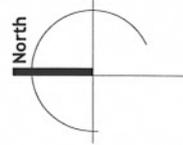
In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

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.



2021/00378/RG3



Notes
 The information shown on this plan is for information only. It is not intended to be used as a legal document. The information is provided for your information only. It is not intended to be used as a legal document. The information is provided for your information only. It is not intended to be used as a legal document.

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Project	Hayes Wood, Barry
Project number	N257/P
Client	Valle of Glamorgan Council
Title	Site location plan
Drawing number	A001
Scale	1 : 1250 at A3
Revision	A
Status	PLANNING
Drawn	MM
Date	07.01.2020

Site location plan
 1 : 1250

2021/00550/FUL Received on 4 May 2021

Cardiff and Vale University Health Board Penlan Road, Llandough, CF64 2XX
Mr Liam Hopkins The Urbanists, 8a Morgan Arcade, Cardiff, Cf10 1AF

University Hospital Llandough, Penlan Road, Llandough

Proposed external works to the Energy Centre, including the development of a free standing 37m tall single core chimney, duct work for CHP plant, external blowdown vessel, dry air coolers and external alterations to the building including new and replacement louvres.

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 George Carroll given the concerns raised by residents.

EXECUTIVE SUMMARY

The site of the proposed works is the Energy Centre at the University Hospital Llandough (UHL), Penlan Road, within the settlement boundary of Llandough.

This is a full planning application for external works to the Energy Centre, including the development of a free standing 37m tall single core chimney (finished in Goosewing Grey), duct work for CHP plant, external blowdown vessel, dry air coolers and external alterations to the building including new and replacement louvres.

The installation of new equipment is to improve and upgrade the Energy Centre, its efficiency and supply to the hospital and is part of the Cardiff and Vale University Health Boards long-term carbon reduction strategy to assist in achieving Welsh Government's target to achieve net-zero carbon emissions by 2050.

To date a total of some 30 letters of representation have been received raising concerns principally in relation to emissions / air quality, noise, visual impact and that alternatives should be considered in line with the current global climate emergency.

Given that the site is located within the existing operational area for the hospital, the main issues are considered to be the visual impacts of the proposal and the potential environmental impacts relating to noise and odour/emissions.

The new chimney, based on its siting and scale and distance from residential dwellings is not considered to cause any overbearing or unacceptable overshadowing impacts. The Councils Shared Regulatory Services officers have confirmed that they are satisfied by the reports methodology and outcomes and have no concerns from an air quality perspective and that the receptors on Spencer Drive and Lewis Road will have their amenity protected based on the predicted noise levels, subject to the implementation of the specified mitigation.

On the basis of the above, the recommendation is to APPROVE the application.

SITE AND CONTEXT

The site of the proposed works is the Energy Centre at the University Hospital Llandough (UHL), Penlan Road, Llandough, Penarth. The Energy Centre is on the north eastern boundary of the hospital site, west of Spencer Drive and south of Lewis Road.



The site, which already forms part of the developed hospital site and falls within the settlement boundary of Llandough.

DESCRIPTION OF DEVELOPMENT

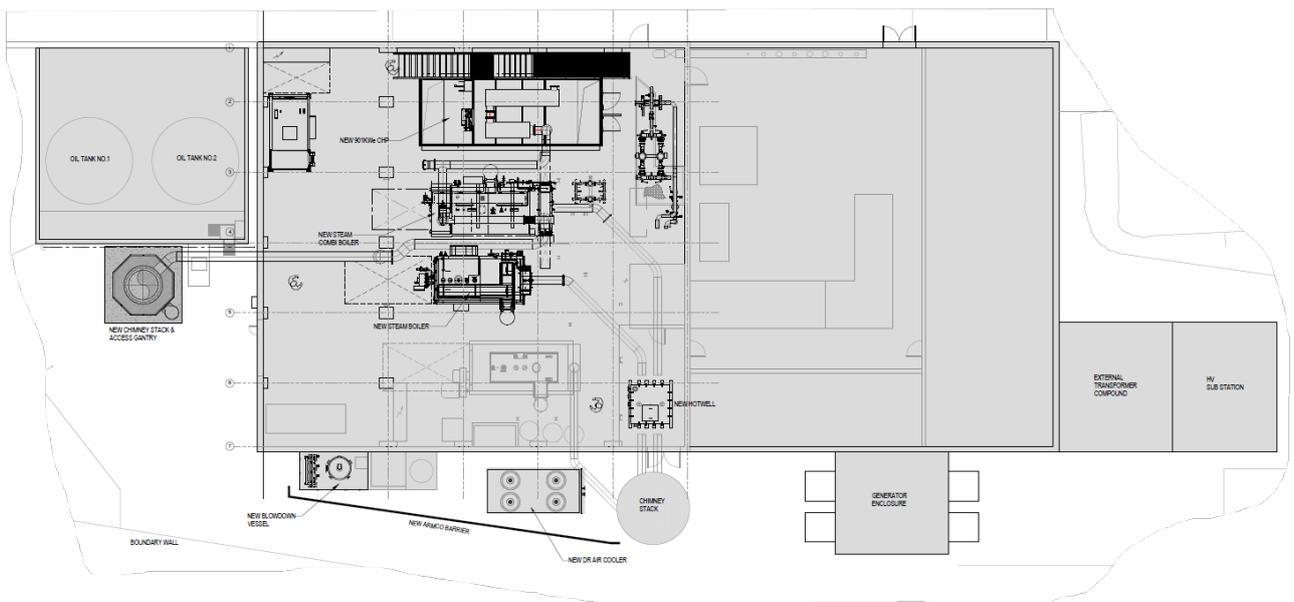
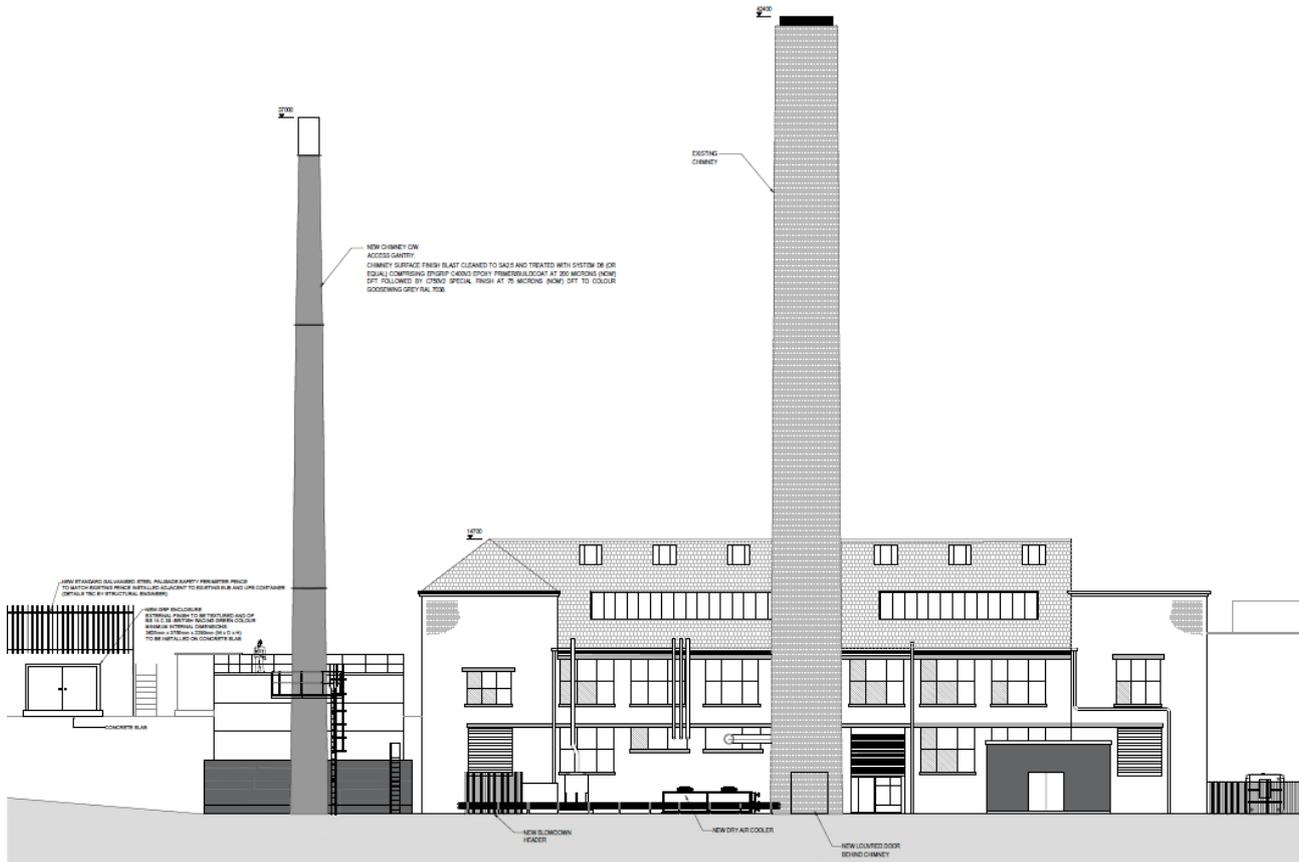
This is a full planning application for proposed works to replace the Energy Centre at UHL with new modern systems in order to sustain the supply of energy to the hospital and increase efficiency.

The application is for the installation of new equipment for the Energy Centre on a permanent basis; to improve and upgrade the Energy Centre, its efficiency and supply to the hospital. The proposed external works to the Energy Centre include:

- Replacement of the existing dry air cooler with a CHP dry air cooler;
- A free standing 37m tall single core-chimney and ductwork for the CHP plant;
- Installation of new roof mount photovoltaic arrays, of approximately 2016 sq m;
- Replacement of the existing blowdown vessel;
- Replacement of existing roller shutter with a new ventilated roller shutter and louvres to the existing ground floor doors;
- Replacement of like-for-like fencing and vehicle barriers around the new blowdown vessel and dry air cooler.

Other works include modification to the front roof plane of the Energy Centre for the new CHP air intake and ductwork louvre and the existing rooflight modified for the new CHP exhaust air ductwork and louvre.

Planning permission is required for the free standing 37m tall single core-chimney, ductwork that requires work for the CHP plant, external blowdown vessel, dry air coolers and external alterations to the building including new and replacement louvres.



The proposed flue will be finished with an external windshield, with the surface finish blast cleaned and treated with system D6 (or equal) comprising Epigrip C400V3 Epoxy Primer/Buildcoat followed by a special finish in Goosewing Grey RAL 7038.

The supporting information states that the design of the photovoltaic panels is such that it would be permitted development and that these details of the other works are provided for completeness and as such do not form part of the consideration of this application.

PLANNING HISTORY

From an examination of our records, the wider hospital site has been subject to extensive planning history. However the most relevant recent application is as follows :

2020/00459/FUL : Llandough Hospital, Penlan Road, Llandough - New back up substation for Llandough Hospital with above ground fuel tank - Approved 04/08/2020

CONSULTATIONS

Llandough Community Council were consulted and have responded stating that the application should be opposed on the following grounds :

- a) The apparent lack of adherence to the Project Zero plan of the Vale of Glamorgan Council with its focus on creating a carbon neutral county borough area which was in line with the comprehensive climate change strategy of the Welsh Government.
- b) Potential air pollution issues of concern to the community.
- c) Possible noise pollution.
- d) Visual impact of another chimney on the environment of the community.

The specific comments of the Council relating to the proposal are:

- The application is supported by in-depth mathematical modelling which was difficult to interpret especially having regard to the absence of relational data concerning the operation of the current boilers and their associated emissions. Data in relation to the emissions from current boilers was based on statistics from 2019 which may well have changed over the past 2 years having regard to the age of the boilers.
- There appears to be some apparent unfounded assertions that the emissions from the new system would not be problematic and the Vale of Glamorgan Council should be encouraged to make its own assessment of such assertions.
- There should be a greater focus on identification of more energy efficient buildings to include greater consideration of green energy solutions and use of solar panels in the hospital.
- There is a concern about why a more in-depth analysis of the performance and emissions from the current chimney should not have been undertaken and it is suggested that this assessment should be undertaken before the application is given consideration. Regard should be given to the concerns of the community about occasional black smoke emissions from the chimney which are often of a substantial nature and have raised concerns within the community especially by those residents who live close by.

- It was noted that there are a number of receptors within and outside the community area and the question should be asked about why data collected from these monitoring devices have not been used to produce more current emission data in the planning application's supporting information.
- The content of the application clearly gives the impression that the impact of the new energy centre on the community will be negligible but this assertion does not appear to be supported by the documented research information included with the planning application.

It is the overriding view of the Council that consideration relating to climate change factors should outweigh any cost factors given that a failure to achieve the targets set by Project Zero will result in much wider implications as well as costs for the Vale of Glamorgan as a whole.

Councils Drainage Section were consulted and no comments have been received to date.

Shared Regulatory Services were consulted and the following responses have been received from noise and air quality perspectives:

- The Councils Shared Regulatory Services officer having reviewed the Acoustic Report produced by RBA Acoustics has advised that the methodology used is robust and the conclusions specified at section 8 of the Report are valid and appropriate.

However, it is stated that it is essential that the recommendations and specifications outlined in the Conclusion are adhered to so to ensure that the predicted noise levels at the identified noise receptors on Spencer Drive and Lewis Rd have their amenity protected. Should complaints be received and / or predicted noise levels not be achieved it shall be the responsibility of the applicant to ensure all necessary investigations, necessary noise measurements and any necessary remedial mitigation works are carried out in a timely manner.

- The Councils Shared Regulatory Services officer has confirmed that the proposed methodology to carry out the assessment of air quality was appropriate and that the report and assessment identifies a negligible impact for all sensitive receptors modelled as a result of the proposed upgrades. On this basis the Councils Shared Regulatory Services officer has confirmed that he is satisfied by the report's outcomes and has no concerns from an air quality perspective.

Natural Resources Wales were notified and have stated that they do not wish to make formal comments on the application on the grounds that the proposal is for a replacement chimney and that the Councils air quality advisor have agreed the Air Quality Assessment methodology and confirmed no impacts to ecological receptors. They have advised that their Permitting Service will thoroughly check the proposal prior to issuing a permit.

Llandough Ward Member was consulted and **Cllr George Carroll** has responded expressing concerns in relation to the above application and has called the application in for determination by Committee and has raised a formal objection to the proposed development as set out below:

While I accept that there is currently a chimney located on the site, this is situated at a location far further away from residential properties. If permission is granted, the proposed new structure would be located far closer to properties on Spencer Drive, and is not in keeping with the character of the properties in that area. It would also cause adverse impacts on residential amenity.

I also have a number of environmental concerns in relation to the application. While the applicants have presented the new Energy Centre as being more energy efficient than existing arrangements on site, I am concerned that air quality data used to support the application appears to have been selectively used. It is my understanding that a number of additional receptors are available in the local area, that were not used to measure existing air quality levels.

Similarly, I am concerned by the potential impacts of noise disturbance that the development will have in the local area. This applies in both the construction and operational stages. Residents already report occasional noise disturbances from the site, and the closer proximity of the proposed new chimney to residential properties will likely exacerbate this.

Residents have also raised safety concerns with me, in relation to the proximity of the proposed new chimney to existing oil storage tanks on the site. I would like to seek assurances that there is no fire or other safety risk posed by these, since it is currently a matter of grave concern for residents.

REPRESENTATIONS

The neighbouring properties were consulted on 17 May 2021 and several site notices were also displayed around the site on 18 May 2021. To date a total of some 30 letters of representation which object to the application have been received and their comments and concerns are summarised below:

- Emissions produced from the chimney
- Close proximity of the chimney to people's homes
- Noise
- Air pollution, smoke and air quality
- The facts that the plant will operate 24/7
- Impact on wellbeing
- Proposal is not in line with the current global climate emergency
- Alternative energy renewable energy sources should be considered
- Design of chimney is very industrial - out of keeping with the brick chimney and surrounding buildings and streets
- Impacts and loss of on light in gardens from chimney

- Devaluation of properties within the area
- The fact that the health board had not engaged with residents prior to submitting the application

REPORT

Relevant Planning Policies

Local Development Plan:

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

Strategic Policies:

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

Managing Growth Policies:

POLICY MG8 – Provision of Health Facilities

Managing Development Policies:

POLICY MD2 - Design of New Development
POLICY MD5 - Development within Settlement Boundaries
POLICY MD7 - Environmental Protection
POLICY MD9 - Promoting Biodiversity
POLICY MD19 - Low Carbon and Renewable Energy Generation

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 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
- Promoting Healthier Places
- Sustainable Management of Natural Resources

Chapter 5 - Productive and Enterprising Places

- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)

5.7.1 The Welsh Government's highest priority is to reduce demand wherever possible and affordable. Low carbon electricity must become the main source of energy in Wales. Renewable electricity will be used to provide both heating and transport in addition to power. The future energy supply mix will depend on a range of established and emerging low carbon technologies, including biomethane and green hydrogen.

5.7.2 Overall power demand is expected to increase as a result of growing electrification of transport and heat. In order to ensure future demand can be met, significant investment will be needed in energy generation, transmission and distribution infrastructure. The system will need to integrate renewable generation with storage and other flexibility services, in order to minimise the need for new generation and grid system reinforcement. Collectively we will need to concentrate on reducing emissions from fossil fuel sources, whilst driving further renewable generation which delivers value to Wales.

5.7.4 Future Wales – The National Plan 2040 sets out the national development plan context for energy and provides specific policies for heat network and renewable energy development.

5.7.7 The benefits of renewable and low carbon energy, as part of the overall commitment to tackle the climate emergency and increase energy security, is of paramount importance. The continued extraction of fossil fuels will hinder progress towards achieving overall commitments to tackling climate change. The planning system should:

- *integrate development with the provision of additional electricity grid network infrastructure;*
- *optimise energy storage;*
- *facilitate the integration of sustainable building design principles in new development;*
- *optimise the location of new developments to allow for efficient use of resources;*
- *maximise renewable and low carbon energy generation;*
- *maximise the use of local energy sources, such as heat networks;*
- *minimise the carbon impact of other energy generation; and*
- *move away from the extraction of energy minerals, the burning of which is carbon intensive.*

5.8 Sustainable Buildings

5.8.1 The planning system should support new development that has very high energy performance, supports decarbonisation, tackles the causes of the climate emergency, and adapts to the current and future effects of climate change through the incorporation of effective mitigation and adaptation measures.

5.8.2 The Welsh Government's policy is to secure zero carbon buildings while continuing to promote a range of low and zero carbon technologies as a means to achieve this.

5.8.3 Sustainable building design principles should be integral to the design of new development. Development proposals should:

- mitigate the causes of climate change, by minimising carbon and other greenhouse gas emissions associated with the development's location, design, construction, use and eventual demolition; and*
- include features that provide effective adaptation to, and resilience against, the current and predicted future effects of climate change.*

Local Energy Generation

5.9.11 The Welsh Government encourages the use of local renewable and low carbon energy as part of the imperative to reduce carbon emissions. Renewable and low carbon energy developments offer significant potential for communities and small businesses to develop their own projects for local benefit.

5.9.12 Planning authorities should plan positively for the use of locally generated electricity and heat to help meet the national target of one Gigawatt by 2030. They should develop policies and proposals which:

- facilitate the co-location of major developments to enable the use of local heat opportunities;*
- facilitate the linking of renewable and low carbon energy with major new development and high energy users;*
- maximise the use of waste heat or other heat sources such as former mine workings; and*
- promote heat networks.*

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 8 – Renewable Energy (2005)
- Technical Advice Note 11 – Noise (1997)
- 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.

Supplementary Planning Guidance:

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

- Biodiversity and Development (2018)
- Design in the Landscape
- Renewable Energy (2019)

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

Given that the site is located within the existing operational area for the hospital, the main issues are considered to be the visual impacts of the proposal and the potential environmental impacts relating to noise and odour/emissions.

Background

The Planning Statement submitted states that the refurbishment of the UHL Energy Centre is part of the CVUHB long-term carbon reduction strategy to assist in achieving Welsh Government's target to achieve net-zero carbon emissions by 2050.

Vital Energi proposed a solution for the energy supply at UHL that meets requirements set by CVUHB to achieve carbon savings and the financial cost of carbon. It adds that a wide range of technologies were considered including batteries, biomass boilers, heat pumps, dual cells and combined heat and power (CHP).

Modelling work suggested that the optimal technical and commercial solution is to install a nominal 1,000kWe containerised CHP system in the existing boiler house. The CHP will be supported by replacing the two aged steam boilers and associated plant to improve generation resilience and efficiency.

Site surveys were then carried out to develop the agreed solution, including inspection of building fabric and insulation, lighting surveys, mechanical and electrical services surveys to identify opportunities for refurbishment and replacement. Detailed surveys, including interrogation of the controls strategy against operating requirements of zones and buildings and full renewable feasibility assessment of buildings.

Principle of Development

In terms of the principle of development, there is general support both at local and national planning policy level to encourage / recognise the opportunities that combined heat and power systems have to optimise low carbon energy generation as part of the overall commitment to tackle climate change by reducing greenhouse gas emissions as well as increasing energy security.

However, these objectives do need to be viewed alongside obligations to protect designated areas, species and habitats as well as the historic environment; ensuring mitigation measures are used to offset potential detrimental effects on local communities whilst ensuring the potential impact on economic viability is given full consideration and; encourage the optimisation of renewable and low carbon energy in new development to facilitate the move towards zero carbon buildings.

Alternatives

A number of the representations received have asked whether low/zero carbon alternatives to CHP such as an Air/Ground Source Heat Pump can be installed. The supplementary supporting letter submitted by Vital Energi Utilities Limited states that the desire of the Health Board is to adopt a complete net zero energy source. In order to take steps to achieve this, the hospital estate has committed to :

- Seek appropriate funding with necessary economic plans being in place for this and future phases,
- Reduce its energy use through the measures as stated above and,
- Change the primary heating fuel from fossil (natural gas) to a low zero carbon fuel

To change the primary heating fuel, it is necessary to understand the existing steam heating system and the practicality of changing the heating source. The existing steam

heating system serves all areas of the estate; general areas such as wards, corridors, offices etc and critical systems such as surgical apparatus washing machines, operating theatres and diagnostic areas. The heating system must operate 24hrs, 365 days a year to support the hospitals needs.

The size and complexity of the steam system at the Llandough Hospital estate is vast and dependent wholly upon the existing Energy Centre steam system. A conversion of the whole of the estate from the less favourable carbon intensive steam system, to a low/zero carbon energy solution; such as air or ground source heat pumps, requires conversion of the estate, one element at a time to accept the low/zero carbon technology.

Therefore, due to practicality of applying technology and economics of paying for the solution gradually; it has been advised that the end solution will take time and must be considered under a phased approach. This phased approach will provide the necessary economics to pay for the future phases whilst also providing the gradual full de-carbonization of the estate and allowing service continuity to the critical areas, whilst changes are planned over a number of areas, over a number of years.

It is stated that this phased approach is essential enable the Health Board to show progress toward to becoming net zero carbon target of 2050, with the first phase to lower the dependence on energy and provide an economical package to pay for this and future phases.

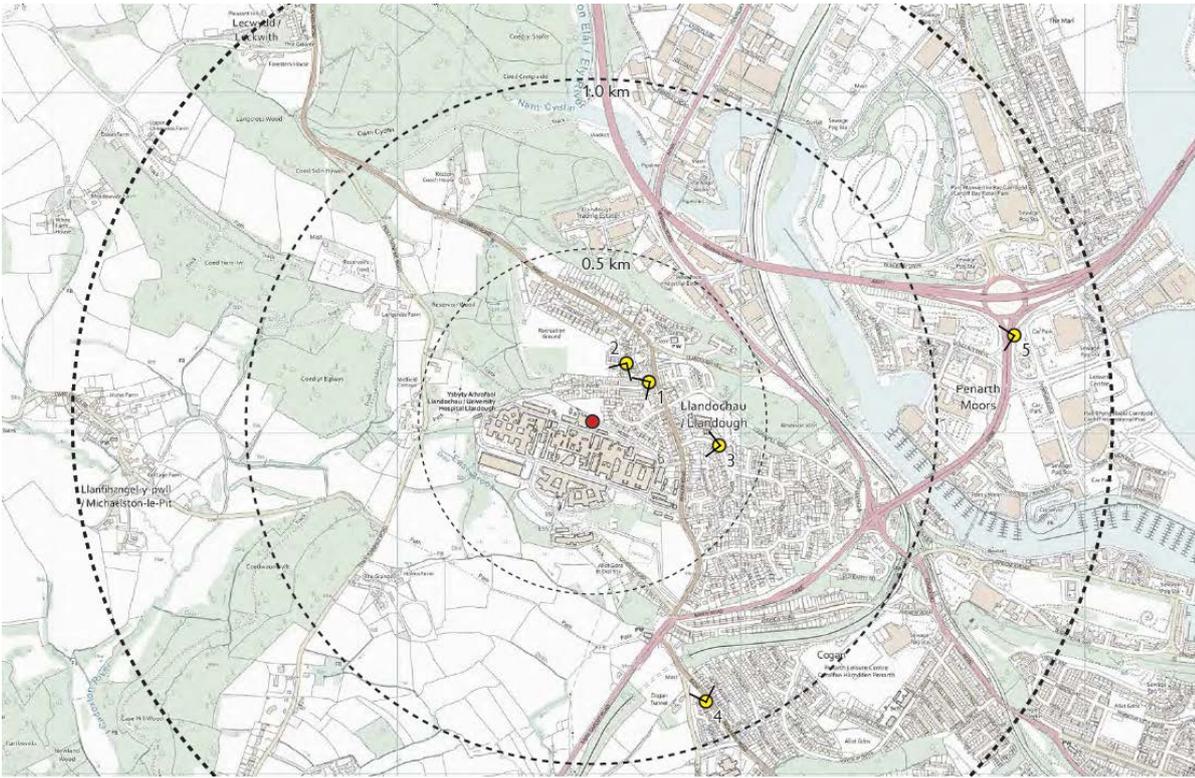
Visual Impact

The existing chimney, due to the elevated siting within the hospital, is widely visible from a number of nearby and more distant public viewpoints. At pre application stage, the applicant was advised that any planning application should be supported by photo montages from key local viewpoints to show the impact of the new chimney.

The photomontage viewpoints are set out below :

1. Lewis Road, Llandough
2. Canon Walk, Llandough
3. Dochdwy Road, Llandough
4. Redlands Road, Penarth
5. A4055, Cardiff

The submitted viewpoints are considered appropriate and represent close range views from nearby residential streets, in addition to more distant views from the surrounding road network.



Viewpoint 2 from Canon Walk, Llandough – Existing (above) and proposed (below)

Of the submitted viewpoints and from the site assessment, it is noted that that the new chimney will be visible from localised and more distance viewpoints. The existing brick-built chimney is 42.4m high and due to its red brick construction and width is visible in the surrounding landscape and to a lesser degree the water tower located behind it. The new chimney, as shown in the photo montages will also be visible, although it will be less prominent due to its reduced height at 37m, its slenderer profile and grey finish. It is likely, given the close proximity of the new chimney to the existing chimney (30m away) that the affected viewpoints will only be those where the existing chimney is visible.

Whilst the new chimney will have a degree of visual impact in terms of close range and more distant viewpoints, these existing views are already impacted upon by the existing chimney and wider backdrop of UHL and the additional built form would not fundamentally alter the character of these views, which will be viewed as a piece of supporting infrastructure to the UHL.

In terms of the impact of the new chimney on the nearest residential receptors, there are residential streets to the north/north east, with the closest streets being Spencer Drive, Lewis Road and Canon Walk.



Aerial photo showing Lewis Road at bottom and Spencer Drive to left

The existing chimney and the wider hospital is visible from these nearby surrounding roads, in part due to the raised elevated nature of the hospital site. However, the new chimney, based on its siting and scale and distance from residential dwellings is not considered to cause any overbearing or unacceptable overshadowing impacts.

Notwithstanding the above, the applicant has stated that consideration was given to reuse of the existing chimney to accommodate the proposed CHP flue, as the existing chimney houses the existing boiler flues. It is stated that these existing flues are to be re-used as part of the project, however, there is no space within the chimney for the new CH flue within the existing chimney with the existing boiler flues.

Consideration was also given to the reduction in size of the existing flues (with new boiler flues) to accommodate the new boilers in addition to the new CHP flue. However smaller size boiler flues were proven to be insufficient size for the new installation.

Finally, consideration was also given to the utilisation of the existing chimney as a support for the new CHP flue, in favour of a new windshield to contain the new CHP flue. However, this consideration was discounted due to the following reasons:

1. Concerns over the visual impact of a new exhaust fixed externally to an original feature of the boiler house.
2. The existing brick chimney has been subject to significant repairs over the last decade. Due to its age, the chimney has a number of braces that have been installed to maintain the structural integrity and works to the top of the chimney to repair and re waterproof the top of the chimney. With new fixings and new stresses from a new external flue installation it was feared that the structural integrity of the chimney could be compromised and fixings cause damage over time to the existing brickwork.
3. The chimney requires periodic inspection which identifies the requirement for reactive maintenance to be undertaken. Due to the unknown nature of faults that may occur in the brickwork, which are likely to occur with increased frequency as the chimney gets older, it was feared new installations may impede maintenance and so would require removal over a time.

The windshield is required in order to elevate the new installation CHP products of combustion, from the CHP to a height, so to meet with the modern air pollution legislation. As previously noted, the CHP is required in order to form the first stepping stone in the Llandough Estate becoming net zero carbon.

To limit the visual impact of the chimney, the windshield design has been adopted so to offer a more visually slender solution, compared to a separate (wider) mast and flue option. The colour of the windshield has been chosen to mask against the colour of the sky, being Goosewing Grey.

Finally, the other external works and alteration relating to the replacement of the existing dry air cooler with a CHP dry air cooler, replacement of the existing blowdown vessel; roller shutter doors and louvres, fencing and works to the front roof for the new CHP air intake and ductwork louvre and new CHP exhaust air ductwork and louvre will have negligible impacts given the scale of the existing energy centre building and will not be readily visible when viewed from outside the site.

Air Quality

Vital Energi have employed an air dispersion specialist to review the effect of air pollution by enhancing the existing CHPs and boilers with the new CHP and Boilers. The calculations have been undertaken specifically to review air pollution from the proposed installation. The report is detailed and acknowledges that it needs to satisfy national policy and the requirements of the Environmental Health Officer, which requires this level of detail to prove compliance with legislation.

It is stated that the report is based upon best practice government guidance utilising the latest data in the Vale of Glamorgan area. The proposed installation benefits from requiring to having to meet far more stringent regulations than historic legal requirements.

The report states that a direct comparison of the existing installation to the new installation, would paint an unfair biased picture, as the new installation is far 'cleaner' than the existing. The supporting statement states that there is a duty to ensure that the new installation is not just cleaner but goes above this and meets the current, more onerous regulations by undertaking an impact assessment; which brings the installation in line with the governments best practice guidance.

The impact assessment predicts a very small process contribution from the proposed plant – which is classified as 'Negligible' at all sensitive receptors. The overall predicted concentrations at nearby receptors are significantly less than the health-based air quality objectives.

The new installation will benefit from current legislation (Medium Combustion Plant Directive), requiring the new installation to have an environmental permit granted by Natural Resources Wales. This requires the operator of the installation to report the emissions from the boiler plant to Natural Resources Wales, on a continued periodic basis; to allow the continued operation of the installation. Natural Resources Wales will police the installation and with the installation being new, the project requires more onerous reporting than the existing installation. If the installation goes outside of the parameters on the permit (such as black smoke occurring), it is advised that the operator must stop this occurring by taking remedial action, so to restore the installation back to that permitted and report this to Natural Resources Wales.

The Councils Shared Regulatory Services officer has reviewed the planning application from an air quality perspective and notes an air quality assessment has been conducted that examines the air quality impacts expected, outlining the significance of these impacts for both human and ecological receptors in the vicinity of the proposed upgraded energy centre. To reiterate this is an upgrade to the existing energy centre that is currently operational at the Llandough Hospital site which consists of two boilers and three CHP units.

It is noted that the appointed consultants made contact with the Council in December 2020 to devise a preferred scope of works (methodology) to undertake the air quality assessment, that would ensure best available techniques were endorsed to demonstrate worse-case scenario testing. The Councils Shared Regulatory Services officer has confirmed that the proposed methodology to carry out the assessment was appropriate.

As per the agreed methodology, the proposed method of assessment is:

- Atmospheric dispersion modelling
 - o Model emissions of NO_x, PM₁₀ and PM_{2.5} using the ADMS5.2 dispersion model
 - o Including a sensitivity analysis of the last 5 years data from the Cardiff Airport meteorological measurement site
 - o Background concentrations will be from the Defra background mapping – supplemented by local urban background measurement where available
 - o Sensitive receptor locations will be identified in the vicinity of the plant. This will include locations where relevant human exposure is likely to be present e.g. hospital buildings, residential properties, schools, and recreational areas.

- o Local terrain and building effects will be modelled
 - o Results will be presented both numerically and as pollutant contour maps.
- The assessment will compare results for the following operating scenarios:
 1. Current operational boilers and CHP (existing baseline)
 2. Proposed CHPs and boilers
 - Assess air quality impacts against criteria relevant to:
 1. The permit application for the proposed combustion plant – The predicted PEC will be compared with the relevant annual mean and short-term air quality objectives for each pollutant.
 2. The planning application – we will compare predicted pollutant concentrations at sensitive receptor locations from the baseline vs proposed boilers + CHPs, and quantify the magnitude of change in concentrations attributable to emissions from the proposed energy centre. We will use the method specified in the latest IAQM/EPUK guidance to derive appropriate impact descriptors at receptors and assess the significance of the impact.

The air quality assessment undertaken was unable to determine the existing emissions data (NO_x) from the current energy centre, therefore the assessment compares the emissions derived by the newly proposed energy centre upgrades with a baseline scenario that draws reference to available background map datasets.

It should be noted that this approach essentially informs a worse-case understanding, as if the proposed plant were compared to a baseline which included the existing plant rather than background concentrations, there would likely be beneficial impacts because of the age of the existing energy centre.

In summary, the report and assessment identifies a negligible impact for all sensitive receptors modelled on air quality as a result of the proposed upgrades. On this basis, the Councils Shared Regulatory Services officer has confirmed that he is satisfied by the report's outcomes and has no concerns from an air quality perspective.

Noise

In line with Technical Advice Note 11 – Noise (1997), Policies MD2 - Design of New Development and MD7 - Environmental Protection of the LDP, development proposals need to demonstrate that they will not result in unacceptable harm on people and residential amenity, on amongst other things in respect of noise, vibration and odour.

Vital Energi have employed an acoustic specialist to review the effect of noise by enhancing the existing CHPs and boilers with the new CHP and Boilers. The calculations have been undertaken specifically to review the noise generated and anticipated to be discharged to the local area.

The acoustic report draws on survey data to establish the current background noise level. It is stated that the new installation is designed to be quieter than the background noise levels (by a minimum of 5dB below background) at the windows of the neighbouring buildings.

The recommendations of the acoustic report will be incorporated within the energy centre and will not impact of the plans as submitted.

Having reviewed the Acoustic Report produced by RBA Acoustics, the Councils Shared Regulatory Services officer has advised that the methodology used is robust and the conclusions specified at section 8 of the Report namely :

- An acoustic review of the proposed new plant at the Llandough Hospital energy centre has been undertaken.
- Noise criteria have been provided along with recommendations for how to achieve the criteria.
- Acoustic louvres have been proposed at low level. A specification is provided in Table 4.
- Shrouds to burners and boosters have been recommended. Shrouds should achieve at least a 10 dBA reduction.
- Attenuators have been proposed to the new boiler flues. A specification is provided in Table 5.
- Provided the above outlined mitigation measures are followed the noise limits agreed with the Vale of Glamorgan
- Council should be achieved, and we would therefore consider the proposal to be suitable in terms of noise

are valid and appropriate.

However, it is essential the above recommendations and specifications outlined in the Conclusion are adhered to so to ensure that the predicted noise levels at the identified noise receptors on Spencer Drive and Lewis Road have their amenity protected.

It is further advised that should complaints be received and / or predicted noise levels not be achieved, it shall be the responsibility of the applicant to ensure all necessary investigations, necessary noise measurements and any necessary remedial mitigation works are carried out in a timely manner.

All acoustic mitigation measures will be internal to the building and the 'external shroud' is external to the boiler but still within the building. Therefore, subject to a condition (**Condition 3** refers) to ensure that the mitigation measures are implemented prior to the use of any of the new plant and equipment specified within this application (in order to achieve the specified noise limits) the proposal is not considered to cause unacceptable noise impacts on nearby residential receptors in line with both local and national planning policy.

On the basis that the assessments with regard to both noise and air quality have been made in respect on specific manufacturers models for the plant and equipment proposed, it is considered necessary to condition that only the scheduled plant and equipment as specified in the Plant Noise Schedule of Appendix D of the Energy Centre Acoustics Report, shall be installed (**Condition 4** refers).

Biodiversity

Policy MD9 'Promoting Biodiversity' of the Council's LDP requires new development 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

This is supported by the Council's SPG on Biodiversity and Development and is in line with national guidance including the most recent Conservation of Habitats and Species Regulations 2010 ('habitat regulations').

The application has not been supported with any biodiversity plan, it is therefore considered appropriate to require an ecological enhancement plan to ensure the proposal adheres to the requirements of Policy MD9 and the Council's Biodiversity and Development SPG.

As such, subject to a condition (**Condition 5** refers) , there are no ecological concerns with respect to the development and the proposal complies with the requirements of Policies MD9 of the Adopted LDP 2011-2026.

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, MG8 – Provision of Health Facilities, MD2 - Design of New Development, MD5 - Development within Settlement Boundaries, MD7 - Environmental Protection MD9 - Promoting Biodiversity and MD19 - Low Carbon and Renewable Energy Generation of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040, Planning Policy Wales (Edition 11, 2021), Technical Advice Notes 8, 11 and 12, and Supplementary Planning Guidance on Biodiversity and Development, Design in the Landscape and Renewable Energy, the proposal is considered acceptable in respect of its visual impacts on the site, the wider landscape and residential amenity and subject to the compliance with conditions would not cause unacceptable noise impacts on nearby residential receptors and would have an acceptable impact on air quality.

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

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

RECOMMENDATION

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:

50604 Ve-SW-XX-SI-M-XX01_P2-A2 Site Location Plan
50604 Ve Ec Xx E M Xx04 P3 Proposed Energy Centre Modification Elevation A
50604 Ve Ec Xx E M Xx05 P3 Proposed Energy Centre Modifications Elevation B
50604 Ve Ec Xx E M Xx06 P3 Proposed Energy Centre Modifications Elevation C
50604 Ve Ec Zz Dr M 5001 P1 Proposed Energy Centre General Arrangement(1)
50604 Ve Ec Zz Dr M 5003 P2 Proposed Energy Centre Modifications
Energy Centre Acoustics Report
Air Quality Impact Assessment
Vital Energy Centre Planning Statement

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 the first beneficial use of the upgraded Energy Centre, the detailed Mitigation Measures set out in section 6.2 and Minimum Acoustic Specifications and Guidance Constructions contained within section 6.3 of the Energy Centre Acoustics Report shall be implemented in full and shall be retained and maintained at all times.

Reason:

To ensure that the specified noise limits, through attenuation, from the proposed plant and equipment can be achieved and maintained during the operation of the Energy Centre and to ensure compliance with Policies MD2 (Design of New Development) and MD 7 (Environmental Protection) of the Local Development Plan.

4. The plant and equipment installed within the Energy Centre hereby approved shall only be that which is specified in the Plant Noise Schedule of Appendix D of the Energy Centre Acoustics Report.

Reason:

As the noise and air quality assessments have been made on the basis of specific manufacturers models for the plant and equipment and to ensure compliance with Policies MD2 (Design of New Development) and MD 7 (Environmental Protection) of the Local Development Plan.

5. Prior to the first beneficial use of the upgraded Energy Centre, hereby approved, a biodiversity scheme shall be submitted to and approved by the Local Planning Authority which shall detail the conservation and enhancement measures to be provided for the site biodiversity interests (and including timescales for their provision). The biodiversity scheme shall then be completed in accordance with details approved by the local planning authority.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan & the Council's adopted Supplementary Planning Guidance on Biodiversity.

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.

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HEALTH AND SAFETY INFORMATION

ALL WORKERS SHOULD BE AWARE OF THE HEALTH AND SAFETY RISKS ASSOCIATED WITH THE TYPES OF WORK DETAILED ON THIS DRAWING. THE DESIGNERS HAVE REVIEWED THE RISKS AND DEVELOPED A DESIGNERS RISK ASSESSMENT. THE CONTRACTOR SHALL REFER TO THE CONSTRUCTION PHASE PLAN AND ADOPT THE RISKS AND DESIGNERS RISK ASSESSMENT INFORMATION IN THE DEVELOPMENT OF THEIR RANGS. BEFORE UNDERTAKING ANY WORKS, PLEASE ALSO NOTE THE FOLLOWING -

DIFFICULT TO MANOEUVRE
 THESE ARE THE PROPOSED LOCATIONS, E.G. SCAFFOLDING, TELESCOPES, PRIORITY OF USE IMPACTS OF POWER LINES, WORKERS TO BE PROVIDED TO THE PLANT ETC.

UNUSUAL
 THESE MAY BE COMMON ITEMS OCCURRING IN USUAL CIRCUMSTANCES, THEY MAY ALSO BE UNUSUAL BECAUSE OF THE NATURE OF THE WORKS BEING UNDERTAKEN, E.G. WORKING ON CONTAMINATED GROUND, ASBESTOS, LEAD PAINT, BILGEOIL ETC.

NOT LIKELY TO BE OBVIOUS TO A CONTRACTOR OR DESIGNER.
 THESE ARE THE PROPOSED LOCATIONS, E.G. SCAFFOLDING, TELESCOPES, PRIORITY OF USE IMPACTS OF POWER LINES, WORKERS TO BE PROVIDED TO THE PLANT ETC.

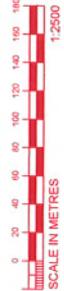
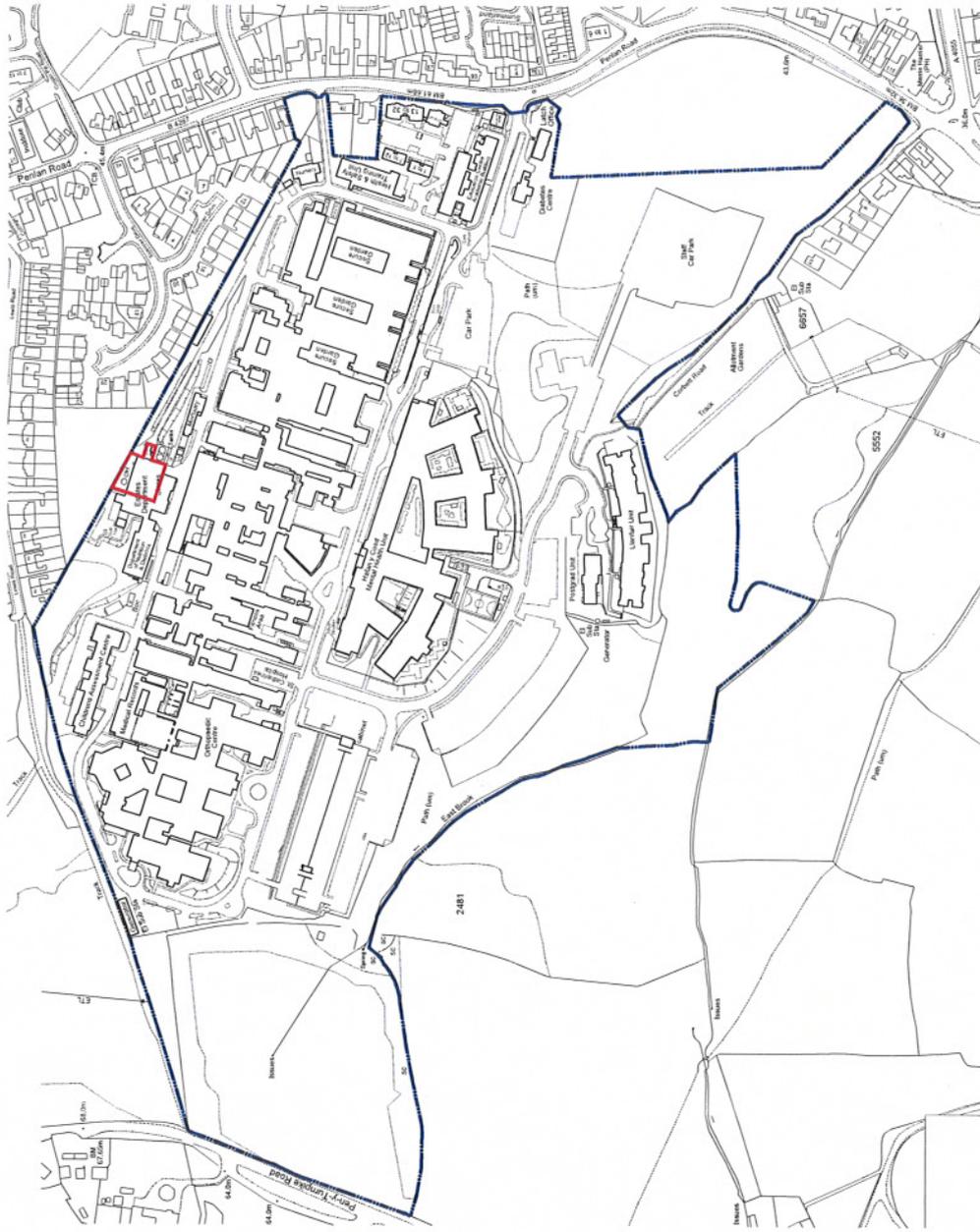
OPERATIONAL ACCESS - HORIZONTAL, VERTICAL, PEDESTRIAN, VEHICLE TRAFFIC
 ARE THESE SIGNIFICANT FOR THE WORKING ACCESS OF THE OUTLINE BELOW OR REFER TO APPROVED DOCUMENT ETC.

OPERATIONAL HAZARDS / LIFTING STRATEGIES
 REFER TO THE CONSTRUCTION PHASE PLAN AND DESIGNERS RISK ASSESSMENT. UPON IDENTIFY ANY HAZARD, REFER TO THE CONSTRUCTION PHASE PLAN AND DESIGNERS RISK ASSESSMENT. UPON IDENTIFY ANY HAZARD, REFER TO THE CONSTRUCTION PHASE PLAN AND DESIGNERS RISK ASSESSMENT.

HEALTH AND SAFETY EXCLUSIONS
 REFER TO THE CONSTRUCTION PHASE PLAN AND DESIGNERS RISK ASSESSMENT. UPON IDENTIFY ANY HAZARD, REFER TO THE CONSTRUCTION PHASE PLAN AND DESIGNERS RISK ASSESSMENT.

2021/00550/FUL

ISSUED FOR INFORMATION



Project: LLANDOUGH HOSPITAL	
Title: SITE LOCATION PLAN	
DATE	04.05.2021
SCALE	1:2500
SHEET	A2
STATUS	S2
STAGE	3
Draw No.	50604-VE-SW-XX-SI-M-XX01
Rev.	P2

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 Tel: +44 (0)1254 296 000 Fax: +44 (0)1254 296 040

REV	DATE	DESCRIPTION	ISSN	CHK	APP	CAD	DA
P2	04.05.21	NORTH ARROW ADDED					
P1	26.11.20	ISSUED FOR REVISION					

2019/01031/RG3 Received on 19 September 2019

APPLICANT: Housing and Building Services, Vale of Glamorgan The Alps, Alps Quarry Road, Wenvoe, CF5 6AA

Agent: Mr Nathan Slater Dock Offices, Subway Road, Barry, CF63 4RT

Land to the North of Maes Y Ffynnon, Bonvilston

Construction of 10 affordable residential units 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 for a major development by the Council.

Background

The application was considered at Planning Committee on 15th July 2020, where it was agreed to defer the determination whilst the subsequent Village Green application submitted on the development site was resolved.

Furthermore, during discussions at Planning Committee, Councillors raised concerns which related to the following issues:

- Moving Plots 1 – 6 forward to increase the size of the rear gardens;
- The loss of trees and perceived inadequacy of their replacement on site;
- Extending the width of approach footpaths to allow disabled access to proposed buildings and linking to parking spaces.

These concerns have been considered by the applicant and a response to each issue raised has been set out in the updated report below.

EXECUTIVE SUMMARY

This is an application for full planning permission to build 10 affordable ('social rented') dwellings and associated works including improvements to the adopted highway and 'soft' and 'hard' landscaping.

For policy purposes, the site is in the defined settlement of Bonvilston (a 'minor rural settlement' in the LDP's settlement hierarchy) and Flood Zone A (little or no risk of flooding from rivers and the sea).

Technical advisers do not object to the proposal, but members of the public express concern over several aspects of the proposal.

Officers conclude that the development proposal is acceptable in principle and would have an acceptable effect on visual amenity, residential amenity, highway safety, ecology, drainage and environmental health.

Following an Inquiry on 19th April 2021 and the report by an Independent Inspector on the 6th June 2021, a recommendation was made to the Vale of Glamorgan Council to dismiss the Village Green application. The Village Green Report and its recommendations were considered by Public Protection Licensing Committee on Tuesday, 15th June 2021 where it was resolved to accept the recommendation of the Village Green Report and dismiss the Village Green application.

It is recommended that planning permission be granted with conditions.

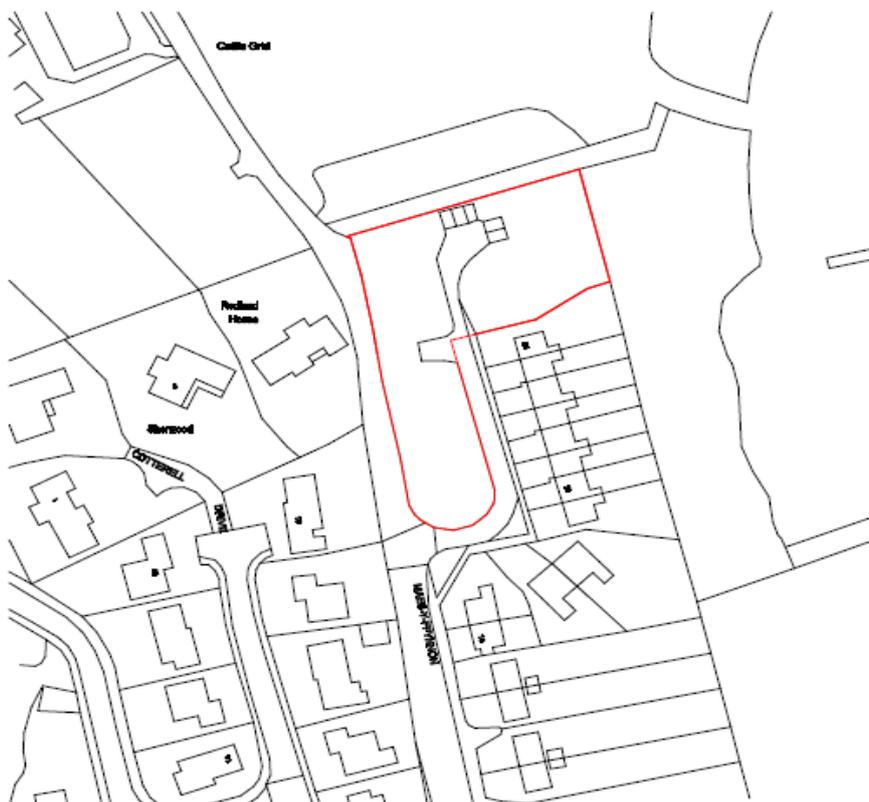
SITE AND CONTEXT

Roughly 0.3 of a hectare in area, the application site is a mix of informal amenity space and hard-surfaced land (private garages that once occupied the site were demolished before the planning application was submitted). The land rises slightly from west to east. The site is at the end of a cul-de-sac and is next to several houses, undeveloped land and an adopted highway (Maes-y-Ffynnon).

For policy purposes, the site is in the defined settlement of Bonvilston (a 'minor rural settlement' in the LDP's settlement hierarchy) and Flood Zone A (little or no risk of flooding from rivers and the sea). The site is next to the Ely Valley & Ridge Slopes Special Landscape Area (SLA), a mineral safeguarding area (limestone, category one) and a public right of way (ref. B2/11/1).

It is near, but not in, the Bonvilston Conservation Area and an LDP housing allocation (policy MG2(40): 'Land east of Bonvilston').

A group of trees on the southern part of the site is the subject of a tree preservation order (TPO) (ref. 364-2010-03-G01), and two trees on the northern part of the site are the subject of individual TPOs (refs. 364-2010-03-T001 and 364-2010-03-T002).



DESCRIPTION OF DEVELOPMENT

This is application, as amended, submitted by the Housing and Building Services Department for the Vale of Glamorgan Council is for full planning permission to build 10 affordable dwellings. Associated works would include improvements to the adopted highway and 'soft' and 'hard' landscaping.

The 10 affordable ('social rented') dwellings would consist of four two-bedroomed houses and six one-bedroomed flats (two of which would be reserved for persons at least 55 years old).



Context Elevation

The developed site would consist of four two-storey buildings (each either 8 or 8.3 metres tall). The buildings would be finished with brown clay plain roof tiles, white UPVC casement windows and fascias / soffits / bargeboards, black upvc rainwater goods, white colour roughcast render, red facing brick (to plinth), GRP Door canopies and chimneys and composite external doors with glazed panels.



The (amended) application documents indicate that:

- the buildings, parking spaces and turning head would be in the northern part of the site, where the garages used to be;

- each house would have its own back garden, whereas the flats would have shared gardens;
- the developed site would have 14 parking spaces for residents of the development (two spaces for each house and one space for each flat):
- the existing road would be widened to 5.5 metres (measured from the nearer edge of the existing footway);
- the junction of the cul-de-sac and the main part of Maes-y-Ffynnon would be improved to provide better visibility and easier access for drivers of emergency-services vehicles;
- Five category U trees will be removed for arboricultural reasons
- Seven Category B and 11 Category C trees (six of which are covered by TPOs) will be removed to facilitate development
- 12 new trees would be planted on the site.

Proposed Site Layout (as amended)



House type 1



3 Housetype 1 - Front elevation (1)
1:50

Schedule of materials

1. Brown colour marley 'Acrow' single camber plain roof tiles
2. White colour UPVC fascias / soffits / bargeboards
3. Black upvc internal window frames
4. White upvc external windows with red brick sill
5. White colour roughcast render
6. Red colour facing brickwork
7. GRP Door vanes
8. Composite external doors with glazed panels
9. GRP Chimneys



4 Housetype 1 - Rear elevation
1:50



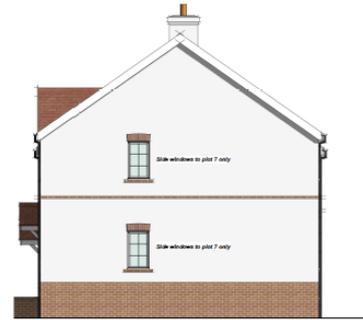
5 Housetype 1 - Side elevation 1
1:50



1 Housetype 1 - Ground floor
1:50



2 Housetype 1 - First floor
1:50



6 Housetype 1 - Side elevation 2
1:50

House type 2



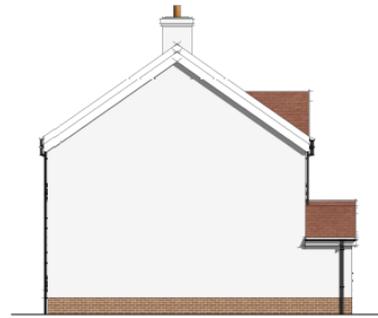
3 Housetype 2 - Front elevation
1:50

Schedule of materials

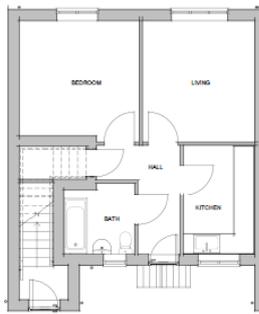
1. Brown colour marley 'Acrow' single camber plain roof tiles
2. White colour UPVC fascias / soffits / bargeboards
3. Black upvc internal window frames
4. White upvc external windows with red brick sill
5. White colour roughcast render
6. Red colour facing brickwork
7. GRP Door vanes
8. Composite external doors with glazed panels
9. GRP Chimneys



6 Housetype 2 - Rear elevation
1:50

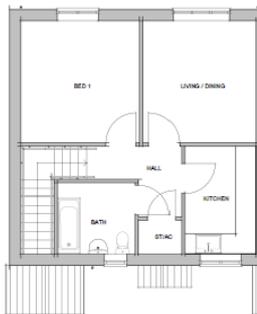


4 Housetype 2 - Side elevation 1
1:50



1 Housetype 2 - Ground floor
1:50

Housetype 2 - 1b2p Walk up flat



2 Housetype 2 - First floor
1:50



5 Housetype 2 - Side elevation 2
1:50

House type 3



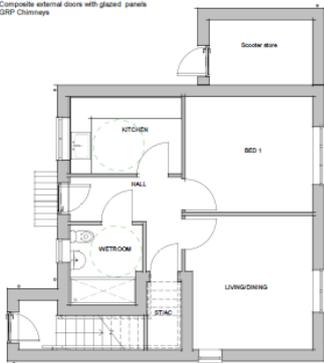
3 Housetype 3 - Front elevation
1:50

4 Housetype 3 - Rear elevation
1:50

5 Housetype 3 - Side elevation 1
1:50

Schedule of materials

1. Brown colour marley 'Korze' single camber plain roof tiles
2. White colour SPVC fascias / soffits / bargeboards
3. Black upvc rainwater goods
4. White upvc casement windows with red brick sill
5. White colour roughcast render
6. Red colour facing brickwork
7. GRP Door canopies
8. Composite external doors with glazed panels
9. GRP Chimneys



1 Housetype 3 - Ground floor
1:50

Housetype 3 - 1b2p Walk up flat (55 plus)



2 Housetype 3 - First floor
1:50



6 Housetype 3 - Side elevation 2
1:50

PLANNING HISTORY

1989/00578/REG5: Residential Development. (Regulation 5) - decision: approved

2010/00113/RG4: Outline application for residential development of land for 3 houses (Minute number C89) - decision: withdrawn

CONSULTATIONS

St. Nicholas and Bonvilston Community Council was consulted and did not comment on the proposal (but it did comment on the proposal during the statutory period of pre-application consultation overseen by the applicant).

Cllr I. Perry of St. Nicholas and Bonvilston Community Council expressed his wish for the planning committee to determine the application and has restated his and **the Community Councils**, continued objection to the application.

Further representations have been received from **Cllr I. Perry** raising issues relating to urban design, adequacy of the parking layout and accessibility issues as set out below :

- The number of parking spaces;
- Whether some parking spaces might be too small for drivers or passengers with disabilities;
- The possibility that parked vans (or other large vehicles) might deprive residents of light in their habitable rooms;
- Emissions released by old vehicles;
- The use of a rumble strip, the noise from which might disturb residents' sleep;
- The locations of dropped kerbs;
- The usefulness of the proposed footways;
- The loss of eight existing on-street parking spaces;
- The proposal may lead to parking problems in Maes y Ffynnon (in particular if the parking of motor vehicles on footways should become illegal in Wales);
- The site layout does not account for desire lines (e.g. the dropped kerbs would be inconvenient for persons with disabilities and occupants of certain plots);
- The reconfigured street would be needlessly wide and would encourage people to drive more quickly and attempt dangerous and damaging passing manoeuvres;
- Whether the planning authority notified St Nicholas with Bonvilston Community Council and the Maes y Ffynnon Residents' Association of the committee meeting;
- Whether local persons are being 'digitally excluded' from the democratic process of assessing and commenting on the application.

Wenvoe Community Council was consulted but did not comment on the proposal.

Councils Highway Development (Highway Authority) were consulted and following submission of amended plans did not object to the proposal.

Councils Public Rights of Way Officer was consulted and did not object to the proposal, but has advised that the Public Right of Way must be kept open and available for safe use by the public at all times. The applicant should ensure that materials are not stored on the Public Right of Way and that any damage to the surface as a result of the development is made good at their own expense.

The **Drainage Section** was consulted and confirmed that the developer would have to apply to the council – the 'SuDS approval body (SAB)' - for approval of drainage arrangements for surface water (this is a non-planning procedure).

Environmental-health officers (Shared Regulatory Services (SRS)) were consulted and made the following observations:

Noise

Recommended that planning permission carry conditions about construction working hours and a construction environment management plan (CEMP).

Contaminated Land, Air & Water Quality

Recommended that planning permission carry conditions about unforeseen contamination, imported soil, imported aggregates and the use of site-won materials.

Councils Ecology Officer was consulted and initially objected to the proposal because mature trees would be lost and not replaced and because information relating to bats was out of date. The Countryside team later confirmed that the updated information about bats was acceptable.

Councils Housing Strategy was consulted and supported the proposal, stating that it would help to meet the Vale's need for affordable housing. The most up to date need for the Wenvoe ward is:

Wenvoe	
Bedrooms	No.
1	80
2	63
3	41
4	11
5	1
Total	196

Dŵr Cymru Welsh Water (DCWW) was consulted and stated that existing infrastructure has no capacity for the development proposal. It recommended that planning permission carry a pre-commencement condition about drainage arrangements for foul water. Importantly, the suggested condition may require the applicant to pay for a 'Developer Impact Assessment' before DCWW carries out reinforcement works to accommodate the development proposal's foul water.

Natural Resources Wales (NRW) was consulted and did not object to the (amended) proposal. It did, however, state that the proposal must pass the three licensing tests set out in the Conservation of Habitats and Species Regulations 2017.

South Wales Police was consulted but did not comment on the proposal.

Wenvoe Ward Member was consulted and no comments have been received to date.

Cllr Leighton Rowlands requested that the planning committee has a site visit.

REPRESENTATIONS

The neighbouring properties were consulted on 27th September 2019, site notices were displayed on 30th September 2019 and the application was advertised in the press on 10th October 2019.

To date, the planning authority has received **27 letters of representation** in which members of the public expressed concern over:

- The location of the rumble strip;
- Parking;
- Traffic;
- Road safety;
- Amount and density of development;
- Loss of green space (described as a play area and village green);
- Actual demand for affordable housing in the area;

- Overdevelopment of Bonvilston (this proposal in combination with other housing schemes);
- Effect on wildlife;
- Loss of trees;
- Effect on Bonvilston Conservation Area;
- Drainage;
- Whether the proposal is the best use of the land;
- Maintenance arrangements;
- The age of some of the application documents (surveys, for example);
- Local bus services (which are said to be infrequent and expensive);
- Effect of building work on residents;
- Overall effect on the character of the area (more houses, loss of green space, more parked cars).

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 SP4 – Affordable Housing Provision
 POLICY SP10 - Built and Natural Environment

Managing Growth Policies:

POLICY MG1 - Housing Supply in the Vale of Glamorgan

Managing Development Policies:

POLICY MD1 - Location of New Development
 POLICY MD2 - Design of New Development
 POLICY MD3 - Provision for Open Space
 POLICY MD4 - Community Infrastructure and Planning Obligations
 POLICY MD5 - Development within Settlement Boundaries
 POLICY MD6 - Housing Densities
 POLICY MD7 - Environmental Protection
 POLICY MD8 - Historic Environment
 POLICY MD9 - Promoting Biodiversity

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

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.

In the section - Wales : An Overview it states under Housing that :

Good quality affordable homes are the bedrock of communities and form the basis for individuals and families to flourish in all aspects of their lives. Future Wales provides evidence of the need for housing across Wales at both a national and regional level. This evidence demonstrates the need for a focus on increasing the delivery of social and affordable homes. The Welsh Government is targeting its housing and planning interventions towards achieving this aim within the broader context of increasing supply and responding to different needs, including our ageing society and climate change.

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

Chapter 3: Setting and achieving our ambitions

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

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

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

Chapter 5 – The Regions

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

Policy 1 – Where Wales will grow

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

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

Policy 4 – Supporting Rural Communities

The Welsh Government supports sustainable and vibrant rural communities. Strategic and Local Development Plans must identify their rural communities, assess their needs and set out policies that support them. Policies should consider how age balanced communities can be achieved, where depopulation should be reversed and consider the role of new

affordable and market housing, employment opportunities, local services and greater mobility in tackling these challenges

Policy 7 – Delivering Affordable Homes

The Welsh Government will increase delivery of affordable homes by ensuring that funding for these homes is effectively allocated and utilised. Through their Strategic and Local Development Plans planning authorities should develop strong evidence based policy frameworks to deliver affordable housing, including setting development plan targets based on regional estimates of housing need and local assessments. In response to local and regional needs, planning authorities should identify sites for affordable housing led developments and explore all opportunities to increase the supply of affordable housing.

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
- Promoting Healthier Places
- Accessibility
- Previously Developed Land
- Supporting Infrastructure

Chapter 4 - Active and Social Places

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

Chapter 6 - Distinctive and Natural Places

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

- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

Technical Advice Notes:

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

- Technical Advice Note 2 - Planning and Affordable Housing (2006)
- Technical Advice Note 10 - Tree Preservation Orders (1997)
- Technical Advice Note 11 - Noise (1997)
- Technical Advice Note 12 - Design (2016)
- Technical Advice Note 20 - Planning and the Welsh Language (2017)
- Technical Advice Note 24 - The Historic Environment (2017)

Supplementary Planning Guidance:

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

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

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The main issues in this assessment are:

- Principle of development;
- Visual impact;
- Impact on neighbours;
- Highways;
- Ecology;
- Drainage;
- Planning obligations;
- Village-green application.

Principle of development

Overview of policy requirements and objectives

Policy SP1 (Delivering the Strategy) seeks to:

- provide a 'range and choice of housing to meet the needs of all sectors of the community' (criterion one); and
- promote sustainable transport (criterion four).

Policy MG1 (Housing Supply in the Vale of Glamorgan) states that the Vale's housing-land requirement will be met partly through the development of 'unallocated windfall sites [consisting of 10 units or more] in sustainable locations'.

Policy MD1 (Location of New Development) states that new development on unallocated sites should:

- In the case of residential development, support the delivery of affordable housing in areas of identified need (criterion four);
- Have access to or promote the use of sustainable modes of transport (criterion five);
- Benefit from existing infrastructure provision or where necessary make provision for new infrastructure without any unacceptable effect on the natural or built environment (criterion six);
- Where possible promote sustainable construction and make beneficial use of previously developed land and buildings (criterion seven); and
- Provide a positive context for the management of the water environment by avoiding areas of flood risk (criterion eight).

Policy MD5 (Development within Settlement Boundaries) states that new development in defined settlements should:

- Make efficient use of land or buildings (criterion one);
- not prejudice the delivery of an allocated development site (criterion two);
- be 'of a ... character that is sympathetic to and respects its immediate setting and the wider surroundings' (criterion three);
- not result in the unacceptable loss of public open space, community or tourism buildings or facilities (criterion five).

Assessment

Location

The site falls within the defined settlement of Bonvilston (a minor rural settlement) and a low-risk flood zone. The site is part of an established residential area, and part of the site constitutes previously developed land. In addition, the site is in walking distance of several bus stops that receive services to and from larger settlements (such as Porthcawl, Bridgend, Cowbridge and Cardiff). On this basis, there is no objection to the principle of residential redevelopment of the site subject to more detailed consideration in respect of the other policies within the plan as set out above.

Need for affordable housing

The housing-strategy team has stated that the ward of Wenvoe needs 213 affordable dwellings consisting of:

- 1 bed – 94 dwellings;
- 2 bed – 82 dwellings;
- 3 bed – 28 dwellings;
- 4 bed – seven dwellings;
- 5 bed – two dwellings.

In accordance with criterion four of policy MD1, the development proposal would 'support the delivery of affordable housing in areas of identified need'.

Loss of public open space (POS)

The Open Space Background Paper 2013 identifies part of the application site as 'amenity greenspace' (ref. 'Green/505 – Maes-y-Ffynon – 0.29 ha – WD1001135') (see Appendix 7). It also states that the ward of Wenvoe has a surplus of amenity greenspace of at least 1.58 hectares (see page 40).

Under this proposal, roughly 1,760 square metres (0.18 of a hectare) of the application site would cease to be public open space (POS). Roughly 1,000 square metres (0.1 of a hectare) of land between the cul-de-sac and the main section of Maes-y-Ffynon would remain as POS. According to the Background Paper, this would still leave the ward of Wenvoe with a surplus of at least 1.4 hectares of amenity greenspace. In addition, more than half a hectare of POS will be created on the nearby allocated housing site (which is currently under construction). Residents of Maes-y-Ffynon would be able to walk to the new POS in roughly five minutes.

For the above reasons, the development proposal would not bring about an *unacceptable* loss of public open space (see criterion five of policy MD5).

Summary and conclusion

The development proposal is acceptable in principle because it accords with strategic policies on defined settlements, affordable housing, access to sustainable transport, flood risk and the management of public open space.

Visual impact

Design and layout

Density

Policy MD6 (Housing Densities) states that a housing proposal in a minor rural settlement should have a 'minimum net residential density of 25 dwellings per hectare'.



The proposal would have a development density of 33 dwellings per hectare (dph), thereby exceeding the policy target. Whilst the density is higher than the minimum specified density, Policy MD6 does support higher densities where the development reflects the character of the surrounding area and would not unacceptably impact upon local amenity. The level of density is considered acceptable in principle subject to a more detailed consideration below and would use land efficiently.

Amenity space

The Residential and Householder Development SPG sets out the following standards for amenity space for houses and flats:

For houses, a minimum of 20 sq.m amenity space per person should be provided, and the majority should be private garden space [emphasis added].*

**typically a 2 bed house would have 3 persons, 3+ bedrooms would typically have 4 persons.*

For flats, between 12.5 sq.m and 20 sq.m of amenity space per person should be provided, depending on the size of development [emphasis added]. Communal areas of amenity space may be acceptable, but these must be directly accessible for all occupiers.*

**typically a 1 or 2 bedroom flat would have 2 persons.*

1-20 people = 20 sq.m per person

21-40 people = 17.5 sq.m per person

41-60 people = 15 sq.m per person

61+ people = 12.5 sq.m per person

The SPG defines amenity space in the following terms:

[Amenity] space associated with residential properties includes front gardens and private rear gardens. It does not include footpaths, driveways and parking areas. Amenity space is essential and provides a number of important functions that contribute towards a resident's enjoyment of a property. Those essential functions include space for relaxation, entertainment and play; gardening and cultivation; clothes washing and drying; DIY; and waste, cycle and other domestic storage.

The application documents indicate that:

- Plot 1 (2-bed house) would have roughly 100 square metres of amenity space;
- Plot 2 (2-bed house) would have roughly 50 square metres of amenity space;
- Plots 3, 4, 5 and 6 (each a 1-bed flat) would share roughly 115 square metres of amenity space;
- Plot 7 (2-bed house) would have roughly 60 square metres of amenity space;
- Plot 8 (2-bed house) would have more than 140 square metres of amenity space (it is a corner plot);
- Plots 9 and 10 (each a 1-bed flat) would share roughly 90 square metres of amenity space.

Plots 1, 7, 8, 9 and 10 would meet or exceed the SPG's standards, but the other plots would fall short of them. Specifically, plot 2 would have a deficit of 30 square metres and plots 3, 4, 5 and 6 would have a shared deficit of 45 square metres. Nonetheless, overall there is considered to be an appropriate level of amenity space to serve the dwellings and flats.

Following the concerns raised at the Planning Committee on 15th July 2020, regarding the size of the back gardens by moving Plots 1 – 6 forward, the applicant has assessed the design to understand the implications of any such change. The applicant has advised that moving the plots forward would result in the parking spaces serving the properties being immediately in front of the property or would require their removal which would create an additional issue. Furthermore, by moving the properties forward, while maintaining the parking provision would result in a minimal increase of approximately 5.3sq.m to the rear amenity of plots 1 and 2 and 16.8sq.m to the shared amenity space of plots 3 to 6.

Moving the car parking spaces of plots 1 - 6 to the south of the layout was also considered. Whilst this would allow the proposed buildings to be brought forward significantly, it would result in the partial loss the public amenity space to the south of the site. The proposal has endeavoured to retain as much of the existing public amenity space

as possible in response to concerns raised by local residents. Additionally, the width of the internal road was considered to be reduced to accommodate the proposed buildings moving forward, however, this reduction would impede the swept path of turning vehicles accessing the site, particularly refuse vehicles.

Consequently, and following detailed consideration by the applicant, they have advised that it is not considered appropriate to move the proposed buildings forward to increase the rear amenity space due to the insubstantial increase in rear amenity space this would provide, and moreover the knock-on impacts it would have on the wider site layout.

However, they have stated that smallest rear garden under the proposed scheme relates to plot 2 which has approximately 45sq.m. Although this is below the amenity space requirement outlined in the Council's Residential and Householder Development SPG, the proposal does exceed the minimum requirements for affordable housing schemes as outlined by the Welsh Government which is 40sq.m.

On balance, it is considered the need for affordable housing and the proposal exceeding the minimum design requirements for affordable housing set out by Welsh Government is sufficient to mitigate the under provision of amenity space when assessed against the Council's Residential and Householder Development SPG requirements, particularly for the reason set out above as Public open space is available next to the houses and, in time, at the ongoing housing allocation to the east, which would be in walking distance of Maes-y-Ffynon.

Siting, design and materials

The existing residential development along Maes y Ffynnon is characterised by terraced properties, whereas the residential properties adjacent to the application site to the east are mainly large detached properties. Based upon the location of the site it is considered appropriate for the proposals to reflect the character of the housing along Maes y Ffynnon to ensure the development fits within and form a continuation of the existing street scene.

Consequently, the form and massing of proposed residential units is limited to two storeys and follows a similar design scheme to the existing residential development along Maes Y Ffynnon.



The proposed buildings largely take the form of semi-detached properties, which reflect the height, detailing and design and external materials of the properties in Maes Y Ffynnon, particularly with the use of gable roof details. The materials proposed are considered acceptable and comprise of roughcast rendered elevations and the use of plain clay tiles which will assist in assimilating the development within the Maes y Ffynnon street scene. The other details and finishes are also considered acceptable. However, planning permission should carry a condition requiring the applicant to submit samples of external finishes and materials (**condition 3 refers**).



Streetscape

Shortly after it passes the site's northern boundary, the main arm of Maes-y-Ffynnon becomes a single-track road. Roadside hedges and tall trees give the section of road to the north of the cul-de-sac's entrance a green, semi-rural character. Several trees would be removed from the site's north-west corner, but the roadside hedge would remain. Even though the side elevation of the house in plot 1 would probably be noticeable from the road, the adjacent section of Maes-y-Ffynnon would retain its 'green corridor' character. The overall visual impact would be acceptable.

Landscaping and trees

Aside from trees, which are discussed separately (below), the proposed indicative landscaping is acceptable. Together, the turning head and the adjacent parking spaces would occupy a large area in front of the buildings. However, the adjacent front gardens and small areas of landscaping would soften this part of the site. Overall, the proposed mix of hard and soft surfaces would have an acceptable effect on the character and appearance of the site and the street. Nonetheless, to ensure that the turning head would have a high-quality finish, planning permission should carry a standard condition about 'hard' and 'soft' landscaping (including boundary features) (**condition 11 refers**).

The Trees, Woodlands, Hedgerows and Development SPG places trees in the following categories:

The concerns raised at the Planning Committee on 15th July 2020, over the loss of trees and perceived inadequacy of their replacement on site have been considered and set below.

The proposed development site has been subject to a Tree Survey which assess the quality of the trees on the site. The majority of trees on the site were categorised as U or C.

The Council's Trees, Woodlands, Hedgerows and Development SPG states "If it is proposed to remove any A or B category trees, then the Council will require the applicant to demonstrate how the removal is necessary and outline any mitigation measures to be provided." (VoG, p.21, 2018). In the first instance any loss of category A and B trees should be replaced at a 2:1 ratio within the development site.

The Tree Survey identified that the following seven trees on the site were Category B and would be lost to facilitate the development; T2, T3, T13, T19, T30, T34 and T35.

This would mean the development proposal should include 14 new trees within the scheme in line with the SPG (based on a 2:1 replacement). The original plans included 8 replacement trees which was an under provision, however, the amended plans now include a total of 12 new replacement trees. Although this still is an under provision of 2 replacement trees, it is considered that the amended layout appropriately balances the need to have useable private and public amenity space and having regard to the existing trees which are being retained on the site and the space required for the existing and proposed trees to grow and not be compromised.

The landscaping condition (discussed above, in 'Landscaping' - **Condition 11 refers**) will secure as part of the wider scheme of landscaping a detailed scheme of replacement tree planting which shall be in line with the proposed tree planting shown in the Block Plan . A separate condition is also considered necessary to protect the trees marked for retention on the application documents (**Condition 17 refers**) to ensure that they are protected during the construction phase of development (including any site clearance)

Impact on neighbours

The neighbours most likely to be affected by this proposal are those at Redland House (to the west) and 24 Maes-y-Ffynon. The other residents of the cul-de-sac might notice an increase in activity and movement in the street, but the effect would not amount to material planning harm. Crucially, the proposal would not affect their natural light, outlook or privacy.

Redland House

Redland House and the application site are on opposite sides of Maes-y-Ffynon. The proposed house (Plot 1) would be roughly 14 metres from Redland House, with its western (side) elevation facing the neighbours. From this distance, the new house would not have a substantial effect on the neighbours' natural light or visual amenity. However, a first-floor bedroom window is proposed in the side elevation, and this would allow occupants to overlook the garden of Redland House. To protect the neighbours' privacy, a condition requiring first-floor window in the western (side) elevation of Plot 1 to have obscure glass and non-opening sections below eye level (taken as 1.7 metres above floor level) (**condition 12 refers**).

24 Maes-y-Ffynon

The houses in plots 7 and 8 would be roughly 21 metres from 24 Maes-y-Ffynon, which does not have habitable-room windows in its northern (side) elevation. From this distance, the new houses would not affect the neighbours' natural light, outlook or privacy.

The flats in plots 9 and 10 would be roughly 14 metres from 24 Maes-y-Ffynon and roughly three metres from its back garden. The side elevation of the new building would face the neighbours. Each flat would have a living/dining-room window in this elevation, but each window would have obscure glass and no opening sections. This means that the neighbours would not be exposed to overlooking (nonetheless, planning permission should be conditioned to ensure that the non-opening obscure glazing is installed and retained thereafter (**condition 12 refers**)).

The building in plots 9 and 10 would be north of no. 24's garden. It would not, therefore, cast a shadow on the neighbours' garden.

The side elevation of the new building (plots 9 and 10) would not be parallel to the northern (side) boundary of no. 24. As a result, the distance between the building and the neighbours' garden would range from less than three metres to nearly five metres. From these distances, a two-storey side elevation, with a gable end forming the upper storey, would not appear overbearing to the neighbours.

Future occupants (plots 9 and 10)

A first-floor side window in plot 8 would allow occupants to overlook the shared garden of plots 9 and 10. To protect future occupants' privacy, a condition about non-opening sections and obscure glazing should be used (**condition 12 refers**).

Summary and conclusion

The development proposal, subject to conditions, would have an acceptable effect on neighbours' residential amenity, judged in terms of natural light, outlook, peace and quiet, and privacy.

Highways

Under this proposal, the existing road would be improved in the following ways:

- The radius of the bend near the junction would be changed;
- The section of road near the junction would be widened to six metres;
- The rest of the cul-de-sac would be widened to 5.5 metres;
- A rumble strip would be created just before a new turning head.

In addition, a new turning head (with tactile paving and a dropped kerb) and 14 parking spaces would be created. The garages that once served the existing houses in the street were demolished some time ago and as a result, residents now park their cars on the carriageway.

Having considered parking demand, traffic levels and public safety, the highway authority have not objected to the amended proposal.

Whilst the rumble strip was initially removed by the applicant, in the first set of amended plans following deferral by planning committee, it has now been reinstated (at the request of the highway engineer) albeit, at a narrower width and slightly re-sited so as not to conflict with any pedestrian crossing point.

The developed site would have 14 parking spaces, each of which would meet the Parking Standards SPG's requirements for a standard parking space (2.6 metres x 4.8 metres). The Parking Standards SPG recommends that 'off-street multiple disabled parking bays' have 1.2-metre-wide access zones between each bay. The proposed parking spaces are not the same as parking bays, which tend to be found on commercial sites.

Concern was raised at the previous Planning Committee in relation to extending the width of approach footpaths to allow disabled access to proposed buildings and linking to parking spaces.

Whilst these concerns have been noted, no objection has been received from the highway engineer on this ground. The applicant has however assessed the implications of widening the footpaths and stated that this would result in a detrimental impact upon the proposed drainage scheme which has already been approved by the SAB Authority and provides biodiversity enhancements to the scheme through the use of sustainable drainage systems such as rain gardens.

It should be noted that half of the parking spaces provided within the scheme align with an approach footpath allowing occupants to use the pathway as additional space when entering and exiting their vehicle. In addition, the proposed properties and amended layout has been built to the Welsh Government standards for affordable housing which are based upon the Lifetime Home Standards (<https://gov.wales/sites/default/files/consultations/2020-07/beautiful-homes-and-spaces.pdf> refers).

It should be noted that the Council has approved affordable housing schemes which have followed the same standards used to produce the amended layout. The applicant is not aware of any contextual changes in planning policy or design requirements which would warrant exceeding the standards outlined by Welsh Government for affordable homes that would require amending the proposed scheme further.

However, the applicant has included additional tactile crossing areas within the scheme to improve accessibility to the proposed properties.

Since reporting the application to Planning Committee on 15th July 2020, the Council's SPG on Parking Standards has been updated to reflect the guidance within Future Wales: The National Plan 2040. In relation to residential parking, the SPG encourages developers to provide EVCP wherever appropriate, at a ratio of 10% of all parking spaces provided. The agent has confirmed that the majority of parking space could be upgraded to provide EV charging with a charging point placed to the building frontage but this has not been factored into the costing for the scheme. However, it is considered the design of the development is future proofed to allow EV charging points at a future point in time.

Having regard to the above, whilst the highway and parking layout is considered acceptable, planning permission should carry a condition requiring the applicant to submit full engineering details and provide the parking spaces before any of the approved dwellings are occupied (**condition 14 refers**).

Ecology

The application documents include an ecological assessment (dated October 2018), a bat activity survey report (dated September 2015) and a mitigation strategy for great crested newts (dated January 2020). The ecological assessment provides more recent evidence about bats than the bat activity survey report.

Together, the ecology documents explore the proposal's effect on bats, birds, great crested newts, dormice, otters and badgers, amongst other creatures.

The author of the ecological assessment reached the following conclusion:

On the basis of the evidence currently available it is ... concluded that the site is not unacceptably constrained by biodiversity issues. There may be some potential for impact to protected species such as common reptiles, nesting birds and foraging bats, but these should be readily amenable to mitigation. Appropriate mitigation and enhancement measures are recommended.

The application documents indicate that **bats** use the site for foraging and 'commuting', but do not live on the application site.

The application documents state the following about **great crested newts**:

NRW have advised that development 'is likely to harm or disturb GCN'; [a] European Protected Species derogation licence will therefore be required for the proposed development, once planning consent is in place.

The ecology officer stated that:

- The proposal would bring about an 'unacceptable loss of mature trees with inadequate replacement within the development';
- 'A reptile strategy will be required which will detail how reptiles will be protected during the construction and operational phases. This strategy can be conditioned as a "Prior to Commencement" condition;
- 'A biodiversity strategy scheme will be required, but can be conditioned as a "Prior to Commencement" condition if necessary;'
- 'We note that the bat survey of the high potential trees was carried out in 2015, this survey is now out of date and will require a repeat survey'; and
- 'We note the submission of the GCN [great crested newts] strategy and confirm this is adequate. However, as a licence will be required, the planning officer will need to undertake the (Habitats Regulations) 3 tests at the planning determination stage and document the results of this.'

Natural Resources Wales (NRW), having examined the latest application documents, does not object to the proposal. It states:

The amended [mitigation strategy for great crested newts] provides an adequate basis upon which to assess the proposal and its impacts on Great Crested Newt. We therefore have no objection to the proposal.

NRW stated that the planning authority must subject the proposal to the three licensing tests set out in the Conservation of Habitats and Species Regulations 2017. It also pointed out that the applicant would have to apply for a European Protected Species (EPS) licence under a separate (non-planning) application.

The Countryside team examined the updated bat survey and did not object to the proposal. Nonetheless, the ecology officer's concerns are addressed below in order.

Loss of mature trees

The loss of mature trees is necessary for development purposes, and the proposal's social benefits outweigh the visual harm. Furthermore, the amended plans, which the ecology officer was not able to see before leaving the council, indicate that replacement planting would exceed the two-for-one target set out in SPG.

Reptile strategy

Planning permission should carry the suggested condition (**condition 13 refers**).

Biodiversity enhancement

Planning permission should carry the suggested condition (**condition 18 refers**).

Bat survey

The ecological assessment includes an update to the bat survey carried out in 2015. NRW has not expressed any concern over the proposal's effect on bats (though the applicant would have to apply for a European Protected Species licence).

Great crested newt

The planning authority will subject the proposal to the licensing tests (see below).

Licensing tests

The three licensing tests state that a development proposal which would disturb or displace a European Protected Species (EPS) will be acceptable only if:

1. The purpose of the work is for preserving public health or public safety or other imperative reasons of over-riding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
2. There is no satisfactory alternative;
3. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range.

First test

The development proposal would not preserve public health or public safety, but it does accord with the development plan's policies on new housing in defined settlements. It would bring social and economic benefits to the rural area through the provision of affordable housing. Moreover, managing development in accordance with the statutory development plan is undoubtedly a matter of public interest.

Second test

The development proposal complies with the LDP's strategic policies on new housing in defined settlements. The proposed dwellings are compatible with existing houses, whereas a non-residential use might give rise to some conflict. In social terms, moreover, the creation of 10 affordable dwellings weighs heavily in favour of the proposal.

The 'do nothing' approach is not especially desirable. Evidence shows that the land is not *needed* as public open space, and if it were left undeveloped it might become unsightly over time, particularly the area where the garages used to be. Furthermore, vacant land would not have the same positive social and economic effects as the development proposal.

For the above reasons, there appears to be no satisfactory alternative to the development proposal.

Third test

NRW has stated that the development proposal would have an acceptable effect on the favourable conservation status of the EPS.

For the above reasons, the development proposal passes the three licensing tests. To protect ecological assets, the planning authority should use the conditions (reptiles and biodiversity enhancement) suggested by the ecology officer.

Drainage

Surface water

The council's drainage officers state that the developer would have to apply for 'SAB' approval through a non-planning procedure. Planning permission need not, therefore, carry a condition about drainage arrangements for surface water.

Foul water

Dŵr Cymru Welsh Water requests that planning permission carry conditions requiring the applicant to:

- Submit details of drainage arrangements for the site; and
- Assess the proposal's effect on the Bonvilston (East) Wastewater Treatment Works and, if necessary, prepare a scheme of reinforcement works.

Planning permission should carry the suggested conditions (**condition 4 and 5 refer**).

Other Matters

Environmental-health officers recommend that planning permission carry conditions about:

- a construction environment management plan (CEMP);
- unforeseen contamination, imported soil, imported aggregates and the use of site-won materials.

The suggested conditions have been used (**conditions 7, 8, 9 and 10 refer**). To protect the amenity of existing residents, a condition about working hours should also be used (**condition 6 refers**).

Planning obligations

Paragraph 5.8 of the Planning Obligations SPG states:

*On 5th September 2016, Cabinet (Minute C3271) agreed that schemes for **100% affordable housing developments of twenty five units or less** delivered either by the Council or its four Housing Association Partners (Hafod Housing, Newydd Housing, United Welsh Housing and Wales & West Housing) will be exempt from paying financial planning obligations. For more information, please refer to the Affordable Housing SPG [emphasis added].*

This development proposal does not, therefore, need to yield planning obligations.

Planning Policy Wales states the following about affordable housing (see paragraph 4.2.26):

Affordable housing includes social rented housing owned by local authorities and RSLs and intermediate housing where prices or rents are above those of social rent but below market housing prices or rents.

TAN 2 provides the following definition of 'affordable housing':

[Housing] where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.

It states that affordable housing includes 'social rented' housing and 'intermediate' housing.

The application documents indicate that the dwelling units would fall into the 'social rented' category.

Planning permission should carry a condition to ensure that the dwellings would be built and then retained as affordable units (**condition 15 refers**).

Village-green

As stated above, Planning Committee resolved to defer the decision on the planning application while the subsequent village green application submitted on the development site was resolved.

The proposed development site referred to as Land to the North of Maes Y Ffynnon, was subject to an application to register the land as a Town or Village Green under Section 15 of the Commons Act 2006 (App No.01/2019/VG50- refers).

An Independent Inspector (James Marwick) was instructed by the Vale of Glamorgan Council, in its capacity as the relevant Registration Authority, to hold a non-statutory public inquiry in relation to the Application and to provide findings and recommendations by way of a written report for consideration by the Registration Authority.

The Inquiry was held over the course of a single day on 19th April 2021 and the Report was completed on the 6th June 2021. The Report concluded:

- a) Registration would be incompatible with the statutory purposes for which the Land is held by the Objector.

- b) User has been “by right” rather than “as of right” of the physical “green” which is the only part of the Land over which there has been sufficient user for lawful sports and pastimes.

This resulted in a recommendation to the Vale of Glamorgan Council to dismiss the Village Green application based on the reasons above.

The Public Protection Licensing Committee is the delegated body within the Council responsible for making a decision on the Village Green Application. The Village Green Report and its recommendations were considered by Public Protection Licensing Committee on Tuesday, 15th June 2021 where it was resolved to accept the recommendation of the Village Green Report and dismiss the Village Green application.

RECOMMENDATION

Deemed planning consent be GRANTED 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:
 - A001 Rev B (Site Location Plan);
 - A002 Rev M (Site Layout)
 - A003 Rev D (Housetype 1);
 - A004 Rev D (Housetype 2);

- A005 Rev D (Housetype 3);
- A006 Rev D (Context elevation);
- A009 Rev M (Block Plan)
- A011 (Shed Detail);
- the protection methods set out in the document entitled 'Tree Survey at Maes y Fynnon, Bonvilston' (Treescene Arboricultural Consultants, 21st January 2019).

Reason:

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

3. Notwithstanding the submitted details, before any external materials are used on the site, samples of materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details before any of the approved dwellings are occupied. The approved materials shall then be retained and maintained on the site for as long as the approved dwellings exist.

Reason:

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

4. No development shall take place until:
 - i) a survey to establish the current flow and load received at Bonvilston (East) Wastewater Treatment Works has been undertaken; and
 - ii) an assessment of the impact of the development hereby approved on the Wastewater Treatment Works having regard to the results of the flow and load survey has been undertaken and agreed with the local planning authority; and
 - iii) if necessary, a scheme of reinforcement works for the Bonvilston (East) Wastewater Treatment Works has been agreed with the local planning authority in order to allow it to accommodate the foul discharges from the development hereby approved without increasing the risk of breaches to the discharge consent for the Bonvilston (East) Wastewater Treatment Works.

No dwellings shall be occupied until the agreed scheme has been completed.

Reason:

To prevent hydraulic overloading of the public sewerage system, protect the health and safety of existing residents, ensure no pollution of or detriment to the environment and to ensure the site can be effectively drained.

5. No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The

scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

6. No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday: 0700 – 1900

Saturday: 0700 – 1700

Unless such work is:

(a) associated with an emergency (relating to health and safety or environmental issues);

(b) carried out with the prior written approval of the Local Planning Authority.

Reason:

To safeguard the amenities of local residents, and to ensure compliance with the terms of policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

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

i) the parking of vehicles of site operatives and visitors;

ii) loading and unloading of plant and materials;

iii) storage of plant and materials used in constructing the development;

iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

v) wheel washing facilities;

vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;

vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

ix) lighting;

x) management, control and mitigation of noise and vibration;

xi) odour management and mitigation;

xii) diesel and oil tank storage areas and bunds;

xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorscheme.org.uk) during the course of the

construction of the development; and
xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

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

Reason:

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

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

Reason:

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

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

Reason:

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

10. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason:

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

11. Before development begins, including any demolition or site clearance, details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- earthworks showing existing and proposed finished levels or contours;
- retaining structures;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials.

Details of soft landscape works shall include:

- planting plans (in which the number of replacement trees must at least match the number of replacement trees shown on drawing A009 Rev L (Block Plan));
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
- an implementation programme (including phasing of work where relevant).

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.

The 'hard' and 'soft' landscaping shall be retained and maintained (including replacement planting, if necessary) in accordance with the approved details for as long as the approved development exists.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD2 (Design of New Developments) of the Local Development Plan.

12. Notwithstanding the approved plans, in plots 1, 8, 9 and 10 (identified on drawing A002 Rev M), any part of any first-floor side window 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 protect the privacy of neighbours, in accordance with policy MD2 (Design of New Development) of the Local Development Plan.

13. Notwithstanding the submitted details, no development (including site clearance) shall commence until a wildlife and habitat protection and management plan has been submitted to and approved in writing by the local planning authority. The wildlife and habitat protection plan shall include:

- Details of, and a schedule for, sensitive site clearance with respect to reptiles, bats and breeding birds;
- A reptile strategy explaining how reptiles will be protected during the construction and operational phases;
- Details of newt-friendly drainage;
- A plan showing wildlife and habitat protection zones, if appropriate;
- Details of development and construction methods within wildlife and habitat protection zones and measures to be taken to minimise the impact of any works;
- A lighting scheme for the site in order to ensure minimal light spillage onto adjoining vegetation; and
- A minimum of 100mm gap at the bottom of all fencing used on site.

The protection and management plan shall then be completed in accordance with the timings approved by the local planning authority.

Reason:

In the interests of ecology and to ensure compliance with policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG19 (Sites and Species of European Importance) and MD9 (Promoting Biodiversity) of the Local Development Plan.

14. Notwithstanding the approved plans, no development shall commence until full engineering details of the roadworks, parking areas and turning areas shown on drawings A002 Rev M and/or A009 Rev M have been submitted to, and approved in writing by, the planning authority. No dwelling shall be occupied until the roadworks, parking areas and turning areas have been completed in accordance with the approved details. The parking spaces shall thereafter be kept available for the parking of vehicles for as long as the approved development exists.

Reason:

To ensure that the development proposal will have an acceptable effect on local highway safety and the amenity of the area, in accordance with policies MD2

(Design of New Development) and MD5 (Development within Settlement Boundaries) of the Local Development Plan.

15. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing or any future guidance that replaces it.

Reason:

In order to ensure that the site delivers appropriate provision of affordable housing to meet the identified need and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP4 (Affordable Housing Provision), MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan.

16. Notwithstanding the approved plans and the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwelling house. The only boundary features/means of enclosure shall be those that have first been submitted to, and approved in writing by, the planning authority. The approved boundary features/means of enclosure shall be erected before any of the approved dwellings are occupied. The boundary features/means of enclosure shall be retained and maintained in accordance with the approved details at all times thereafter.

Reason:

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

17. No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of all trees shown to be retained on drawing number A009 Rev L (Block Plan). The approved scheme of tree protection shall be carried out during the course of construction, including any site clearance.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

18. Prior to the commencement of development, details of a scheme of bio diversity enhancements shall be submitted to the Local Planning Authority. Within 6 months of the completion of the development or first beneficial occupation (whichever is the sooner) the agreed scheme of bio diversity enhancements shall be implemented/completed on site, which shall thereafter be retained, in accordance with the agreed details.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MG9 (Promoting Biodiversity) of the Local Development Plan.

REASON FOR RECOMMENDATION

The decision to recommend that planning permission be granted 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), MG1 (Housing Supply in the Vale of Glamorgan), MD1 (Location of New Development), MD2 (Design of New Development), MD3 (Provision for Open Space), MD4 (Community Infrastructure and Planning Obligations), MD5 (Development within Settlement Boundaries), MD6 (Housing Densities), MD7 (Environmental Protection), MD8 (Historic Environment) and MD9 (Promoting Biodiversity) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040, the development proposal area acceptable and would have an acceptable effect on visual amenity, residential amenity, highway safety, ecology, drainage and environmental health.

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

NOTE:

1. **The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for**
 - (i) **determining the extent and effects of such constraints;**
 - (ii) **ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:**
 - **Unprocessed / unsorted demolition wastes.**
 - **Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.**
 - **Japanese Knotweed stems, leaves and rhizome infested soils.****In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and**

(iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

- 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

- 3. Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2017 is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by the Welsh Assembly Government in accordance with the aforementioned Regulations.**
- 4. Warning: An European protected species (EPS) Licence is required for this development.**

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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).

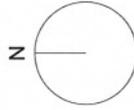
The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of

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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Notes:
Do not scale this drawing. Check all dimensions on site. Any discrepancies to be reported back to the Architect for clarity.



1	Issued for planning submission	14.10.2018
2	Issued following comment from planning	06.11.2018
3	Site location	
By:		
Date:		

Client:

 VALE OF GLAMORGAN
 BID MIDGAMRWG

Project:
Maes-Y-Ffynnon | Bonvilton

Job Number:
L525

Date:
20.07.2019

Drawn by:

Dwg No:
A001

Site location plan

Revision:
B

Scale:
1 : 1250 @ A3

Drawing Status:
PLANNING


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