

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 SEPTEMBER 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

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

**Decision Codes:**

A	Accepted
AC	Approved Conditionally
AW	Accepted (Welsh Water)
R	Refused

(a) Building Regulation Applications - Pass

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

2024/0002/RV	A	Ty Rhosyn, 12, Wick Road, Ewenny. CF35 5BL (Now known as Rose Cottage)	Replacing of the existing full glazed conservatory with a single storey lean to roof extension to side of property
2024/0004/PV	AC	136, Colcot Road, Barry. CF62 8UH	Rear extension
2024/0006/PO	AC	14, Winchester Avenue, Penylan, Cardiff. CF23 9BT	Small single storey rear infill extension. Existing dining room floor dropped by 140mm to match the kitchen floor level. Internal remodelling for open plan kitchen / dining room
2024/0007/PO	AC	26, Dan Donovan Way, Cardiff. CF11 0JZ	New infill floor to the third storey bedroom to meet external glazing
2024/0311/BN	A	Fernlea, Victoria Park Road, Barry. CF63 2JS	Re roof
2024/0312/BN	A W	53, Bron Awelon, Barry. CF62 6PS	Single storey extension

2024/0313/BN	A	38, Fontygary Road, Rhoose. CF62 3DS	Reconfiguring an existing window to a new door & reducing an existing window while utilising it's existing lintel
2024/0314/BN	A	College Lodge, Town Mill Road, Cowbridge. CF71 7BE	Outbuilding for workshop and gym
2024/0315/BN	A	23, Dinas Road, Penarth. CF64 3PH	Two storey side and rear extensions to provide new living area, kitchen & entrance / cloakroom
2024/0316/BR	AC	Eden Cottage, Church Road, Llanblethian. CF71 7JF	Replacement dwelling
2024/0317/BN	A	12, Eastfield Close, Cowbridge. CF71 7FH	Single storey lean to extension to kitchen
2024/0318/BN	A	Pen Y Bryn House, Llantwit Road, St. Athan. CF62 4LY	Rear extension, attached garage and internal alterations
2024/0320/BN	A	18, Ffordd Cwm Cidi, Barry. CF62 6LH	Replacing 9 no. windows, front door & rear door like for like (no new structural openings)
2024/0321/BR	AC	St. Athan Primary School, Rock Road, St. Athan. CF62 4PG	Proposed internal works to create secure lobby area
2024/0322/BN	A	80, South Road, Sully. CF64 5SL	Re roof
2024/0323/BN	A	26, Rhodfa Sweldon, Barry. CF62 5AD	Conversion of an attached garage into a habitable bedroom with shower wet room for disabled person. (in existing downstairs toilet)
2024/0324/BN	A	48, Plymouth Road, Penarth. CF64 3DB	Full renovation of property, replace bathroom to utility, new master ensuite, new WC, open plan kitchen with steel installation, new soil waste for WC, underfloor wet system and 3 no velux replacement

2024/0325/BN	A	1, Stradling Close, Sully. CF64 5HU	Loft conversion and dormer
2024/0326/BR	AC	13-14 (Gordon Bennett), Broad Street, Barry. CF62 7AB	New shopfronts an ground floor conversion to 3 retail units / soft play facility (Ground floor works only)
2024/0327/BR	AC	Flats 20, 22, 24 & 26, Peterswell Road, Barry. CF62 7NA	Retrofit works and thermal upgrade to existing apartments
2024/0328/BR	AC	Flats 28, 30, 32 & 34, Peterswell Road, Barry. CF62 7NA	Retrofit works and thermal upgrade to existing apartments
2024/0329/BR	AC	Flats 36, 38, 40 & 42, Peterswell Road, Barry. CF62 7NA	Retrofit works and thermal upgrade to existing apartments
2024/0330/BR	AC	Flats 44, 46, 48 & 50, Peterswell Road, Barry. CF62 7NA	Retrofit works and thermal upgrade to existing apartments
2024/0331/BN	A	20, Westminster Drive, Sully. CF64 5ET	Loft conversion with dormer
2024/0332/BN	A	Parkmount, Bridgeman Road, Penarth. CF64 3AW	Single storey extension to the first floor above existing kitchen. Internal alterations to the existing dining room
2024/0333/BR	AC	41, Old Port Road, Wenvoe. CF5 6AL	Single storey rear extension with internal remodelling to create an open plan kitchen / living / dining. New dormer to the front of the property for the master bedroom
2024/0334/BN	A	The Newlands, St. Brides Major. CF32 0SA	Single storey extension to create new entrance porch
2024/0335/BR	AC	Colcot Primary School, Florence Avenue, Barry. CF62 9XH	Proposed dining room refurbishment
2024/0336/BN	A	47, Cornerswell Road, Penarth. CF64 2UX	Re roof
2024/0337/BN	A	Tree Dell, Siginstone. CF71 7LP	Conversion of attached garage

2024/0338/BR	AC	Illtyd House, Station Road, Llantwit Major. CF61 1ST	Internal alterations to kitchen area
2024/0339/BN	A	47, Plymouth Road, Penarth. CF64 3DB	Single storey extension to enlarge the kitchen
2024/0340/BN	A	63, Plymouth Road, Penarth. CF64 3DD	Single storey side extension and refurbishment of an existing kitchen
2024/0341/BN	A	19, Gradon Close, Barry. CF63 2QQ	Knock through
2024/0342/BN	A	31, Cross Street, Barry. CF63 4LU	Demolition of existing single storey ground floor bathroom and conservatory, re construction of single storey bathroom and conservatory.
2024/0343/BN	A	Frondeg, Love Lane, Llanblethian. CF71 7JQ	Relocation of kitchen (ground floor), to include removal of cloakroom, removal of stud wall, associated changes to water and waste systems including utilisation of existing drainage pipework system for sink waste & associated changes to electrical systems. Relocation of ground floor cloakroom to current larder to include increasing width by removal of side wall and erection of stud wall with associated plastering, swap hall and larder windows for ventilation & associated plumbing works with soil pipe to be connected to existing soil stack
2024/0344/BN	A	21, Mountjoy Place, Penarth. CF64 2TB	Loft conversion with dormer

2024/0345/BN	A	Westoe, Llysworney. CF71 7NQ	Knock through of 2 walls and the insertion of 2 steel beams and removal of existing room and formation of a ground floor toilet
2024/0346/BR	AC	26, Taf Close, Barry. CF62 7QU	Conversion of carport into a bedroom and level access shower room
2024/0347/BN	A	7, Dyffryn Close, St. Nicholas. CF5 6SS	Removal of lintel, removing small wall. Replacing with longer lintel
2024/0348/BN	A	The Croft, Nurston, CF62 3BH	Single storey rear extension to existing house to provide enlarged living / dining & adaptations to existing kitchen area
2024/0349/BN	A	22, Rectory Drive, St. Athan. CF62 4PD	Remove load bearing wall and insert steel beam
2024/0350/BN	A	53, Amherst Crescent, Barry Island. CF62 5UQ	Loft conversion with dormer
2024/0351/BN	A	Meadow House, Factory Road, Llanblethian. CF71 7JD	Re-roof
2024/0352/BN	A	The Coach House, St. Mary Hill. CF35 5DT	Extension to cupboard at first floor to form habitable room (less than 10m2)
2024/0353/BN	A	28, Windyridge, Dinas Powys. CF64 4AW	Two storey rear extension
2024/0354/BR	AC	12, Oyster Bend, Sully. CF64 5LW	Front entrance access
2024/0355/BN	A W	56, Lewis Road, Llandough. CF64 2LX	Two storey side extension
2024/0356/BR	AC	Trehedyn Cottage, Peterston Super Ely	Construction of domestic Annexe
2024/0357/BR	AC	Il Vesuvio, 13-14, Pound Field, Llantwit Major. CF61 1DL	Single storey glazed extension & internal alterations

2024/0358/BN	A	5, Hastings Place, Penarth. CF64 2TD	Single storey side extension, new living room, bathroom, knocking internal walls for new kitchen / diner
2024/0359/BN	A	High Street Primary School, St. Paul's Avenue, Barry. CF62 8HT	Install data points with cabling
2024/0360/BN	A	4, Cwrt Ty Mawr, Penarth. CF64 3PZ	Single storey side / rear extension & new entrance porch
2024/0361/BN	A W	St Quentins House, Castle Hill, Llanblethian, Cowbridge, CF71 7JB	Side extension for kitchen & small bathroom & workshop
2024/0362/BN	A	28, Bullfinch Road, St. Athan. CF62 3Nd	Loft conversion (No domer)
2024/0363/BN	A	12, Gildas Close, Llantwit Major. CF61 2SL	Single storey extension
2024/0364/BN	A	113, Redlands Road, Penarth. CF64 2WG	Re roof
2024/0365/BN	A	12, Bromfield Place, Penarth. CF64 1HR	Conversion of a bedroom to a bathroom
2024/0366/BN	A	3, Marine Drive, Ogmore By Sea. CF32 0PJ	New roof
2024/0367/BN	A	Bridge House Farm, Llanmaes. CF61 2XR	Removal of chimney breast, steel rsj to brace house. New floor slab insulated throughout the house. Removal of supporting wall with rsj. 2 small side extensions, one to include balcony and dormer, dormer to include full re roof of house
2024/0368/BR	AC	26, Robinswood Crescent, Penarth. CF64 3JF	Proposed replace existing single storey garage, with extended garage with pitched roof and solar panels.
2024/0369/BN	A	19, Timbers Green, Llangan. CF35 5AZ	Single storey extension to rear.

2024/0370/BN	A	140, Fontygary Road, Rhoose. CF62 3DU	Knock through
2024/0371/BN	A	27, Glyndwr Avenue, St. Athan. CF62 4PP	Installation of a through floor lift for disabled occupant, including the formation of the lift aperture
2024/0373/BN	A W	Red Roofs, 1, Cliff Parade, Penarth. CF64 5BP	Proposed re modelling and re construction of existing two storey house with attic storage plus detached garage
2024/0374/BR	AC	33 - 35, Windsor Road, Penarth. CF64 1JD	Subdivide shop into two. First floor retail extension. New shop front, loft extension of existing flats. Refurbishment of flats
2024/0375/BN	A	8, Llanquian Close, Cowbridge. CF71 7HQ	Re roof upper storey to house
2024/0376/BN	A	22, Forrest Road, Penarth. CF64 5BT	Knock through and installation of 2 steel beams, creating 2 new opening for windows
2024/0377/BN	A	72, Stanwell Road, Penarth. CF64 3LQ	Replacement roof covering including rainwater goods.
2024/0378/BN	A	52, Ffordd Cwm Cidi, Barry. CF62 6LJ	Replacement of one UPVC window with new Aluminium window, increasing in horizontal size from 1200mm to 2824mm. Replacement of one wooden French door with single Aluminium door reducing in horizontal width from 1900mm to 1070mm
2024/0379/BN	A	26, Greenmeadow Way, Rhoose. CF62 3FJ	Partial integral single garage conversion
2024/0380/BN	A	35, Baron Road, Penarth. CF64 3UE	Removal of 1 load bearing wall and installation of 3 steel beams

2024/0381/BN	A	259, Barry Road, Barry. CF62 9BH	Through floor lift between living room & front bedroom for disabled person
2024/0382/BN	A	34 Crossways Street, Barry. CF63 4PQ	Knock through to create opening plan living space and installation of 2 beams & re roof
2024/0383/BN	A	10, Slade Road, Barry. CF62 9AL	Installation of a Pollock vertifcal lift to travel from the ground floor to bedroom for disabled purposes
2024/0384/BN	A	19, Heathfield Drive, Barry. CF62 7AH	like for like replacement of rear door and 2 windows (no new structural openings)
2024/0385/BN	A	28, Cae Gwyn, Penarth. CF64 3JY	Conversion of garage to living space and small porch
2024/0386/BN	A	160, Westbourne Road, Penarth. CF64 5BQ	Replacement of front windows with upvc double glazed sliding sash windows
2024/0387/BN	A	Cwrt Newydd Farmhouse, Llandow. CF71 7PX	Single storey extension, single storey detached garage & internal refurbishment
2024/0388/BR	AC	41-42, Park Crescent, Barry. CF62 6HE	Alterations to existing shop to A3 cafe & alterations to existing first floor flat
2024/0389/BN	A	The Tower, Tower Hill, Penarth, CF64 3BJ	Single storey extension
2024/0390/BR	AC	28, Victoria Road, Penarth, CF64 3HX	Proposed single storey rear / side extension and internal and external alterations
2024/0391/BR	AC	The Anchorage, River Walk, Penarth. CF64 1SX	Remedial works to linear fire stopping and service penetrations



2024/0392/BN	A	Jalna, Old Rectory Drive, St. Nicholas. CF5 6SJ	Single storey rear extension including rebuilding of current extension complete with new canopy to patio
2024/0393/BR	AC	Evenlode Primary School, Evenlode Avenue, Penarth. CF64 3PD	To form a new accessible doorway into an existing changing room, to reinstate the WC and form a small piano room with access from the main hall and to include smoke detection and to remove all redundant fire signage. To remove internal doors to classrooms and to combine an existing classroom with the old library room by forming a non structural opening between the two room to form a fire exit doorway in the external wall of the old library room, to upgrade or add additional fire exit signage
2024/0394/BN	A	316, Gladstone Road, Barry. CF63 4RU	Installation of single storey modular extension to rear of property, relocation of kitchen and creation of ground floor shower for disabled user
2024/0396/BN	A W	103, Pontypridd Road, Barry. CF62 7LQ	Dormer loft conversion & single storey extension
2024/0397/BN	A	7, Church Meadow, Llantwit Major. CF61 2AT	Conversion of attached garage into living space
2024/0398/BN	A	Tesco, Castle Drive, Dinas Powys. CF64 4NR	Re roof
2024/0399/BN	A	21, Partridge Road, St. Athan. CF62 4NF	Workshop extension
2024/0400/BN	A	14, Fitzhamon Road, Cowbridge. CF71 7FW	Conversion of integral garage to living space
2024/0401/BN	A	1, Home Farm Bungalow, Dyffryn. CF5 6SU	Single storey rear extension

2024/0402/BN	A	135, Merthyr Street, Barry. CF63 4LD	Lower 2 chimneys below roof level, one large chimney at the front and one small chimney at the back of the house and install new roof
2024/0403/BN	A	34, Salop Street, Penarth. CF64 1HH	Re roof to main house & low level roofs
2024/0406/BN	A	17, Heol Sant Bridget, St. Brides Major. CF32 0SL	Two pitched dormers to front, flat roof dormer to rear, replacement slate roof & internal alterations with installation of three steel beams
2024/0407/BN	A W	37, The Verlands, Cowbridge. CF71 7BY	Single storey extension to enlarge kitchen and dining room, first floor elevation extension on existing veranda to add 1 bedroom
2024/0408/BN	A	Caerleon House, 4, Rhoose Road, Rhoose. CF62 3EP	Two storey rear extension
2024/0409/BN	A	127, Westbourne Road, Penarth. CF64 5BR	Loft conversion with dormer
2024/0410/BR	AC	36, Cambrian Avenue, Llantwit Major. CF61 1QU	Proposed 2 storey extension to side & rear, single storey front extension
2024/0411/BN	A W	25, Burdons Close, Wenvoe, CF5 6FE	Rear extension
2024/0413/BR	AC	Southwinds, 4, Swanbridge Farm, St. Marys Well Bay Road, Swanbridge. CF64 5UJ	Proposed ground and first floor infill extension. Internal and facade alterations
2024/0414/BN	A W	20, Milton Road, Penarth. CF64 2SW	Single storey rear extension

2024/0415/BN	A	Sant Y Nyll House, Heol Sant Y Nyll, St. Brides Super Ely . CF5 6EZ	2 storey side extension. Single storey side extension. Plant room to ground floor to locate a ground source heat pump and a 3 car garage with gym and toilet.
2024/0416/BN	A	The Moorings, Highlight Lane, Barry. CF62 8AA	Single storey side pitched roof extension
2024/0417/BN	A	8, Geraints Way, Cowbridge. CF71 7AY	Drainage repair of cracked drain and additional full connection from ground floor shower / WC room
2024/0418/BN	A	5, Ashgrove, Dinas Powys. CF64 4TL	Re-roof
2024/0419/BN	A	Evenlode Nursery, Bute Lane, Penarth. CF64 2ET	New roof covering
2024/0420/BR	AC	31, The Broadshoard, Cowbridge. CF71 7DA	Conversion of garage to form accessible ground floor bathroom and utility room, together with rear glazed rear dining area extension.
2024/0421/BN	A W	56, Althorp Drive, Penarth. CF64 5FJ	Single storey extension to enlarge kitchen at rear of the property (less than 10m2)
2024/0423/BN	A	The Old Brocastle Quarry, Crackhill, Colwinston. CF71 7GP	Detached outbuilding (no sleeping accommodation) to provide sitting room, dining room, kitchen, home office, store room, bathroom and home schooling area.
2024/0424/BN	A	85, Walston Road, Wenvoe. CF5 6AW	Addition of dormer to existing first floor bedroom to make existing study room more usable
2024/0425/BN	A W	37A, Salop Place, Penarth. CF64 1HP	Change of use from art studio to dwelling. Sprinklers and wired detectors (heat at ground floor) have been installed.

2024/0426/BN	A	17, Windsor Terrace, Penarth. CF64 1AA	Adding dormer to existing loft
2024/0427/BN	A	Nine Oaks, Twyncwyn, Dinas Powys. CF64 4AS	Single storey extension
2024/0428/BN	A	13, Haven Walk, Barry. CF62 5AZ	Creating a new opening on the third floor and installing 1 window
2024/0430/BR	AC	Apartment Block A, Heol Ty Draw, Barry. CF62 5DT	Proposed conversion of ground floor bin / bicycle store to no. 1 affordable apartment, downsized bin / bicycle storage and other associated ancillary works
2024/0432/BN	A	79, Geraints Way, Cowbridge. CF71 7AY	Supalite warm roof
2024/0434/BN	A	55, Clive Road, Barry Island. CF62 5UY	Proposed loft conversion with velux window
2024/0435/BN	A W	10, Maes Y Ffynon, Bonvilston. CF5 6TT	Renew front window. 2 storey extension to rear of property to allow for kitchen and dining room plus bedroom and bathroom upstairs. create gf utility and wc.
2024/0436/BN	A	Pendoylan Church in Wales Primary School, Pendoylan, Cowbridge. CF71 7UJ	Installation of a new data outlet to the first floor
2024/0437/BN	A	35, Broadway, Llanblethian. CF71 7EX	Single storey extension less than 10m2, re roof and drainage alterations to bathroom.
2024/0439/BR	AC	12, Picca Close, Culverhouse Cross. CF5 6XP	Garage conversion to bedroom, shower room and utility area for disabled person
2024/0440/BR	AC	Unit E1, Neptune Road, Barry. CF62 5DZ	Conversion of empty unit to barber shop
2024/0442/BR	AC	Cowbridge Comprehensive School, Aberthin Road, Cowbridge. CF71 7EN	Single storey lean to extension to existing art block

2024/0444/BN	A	42, Plas St. Pol De Leon, Penarth. CF64 1TR	Conversion of integral garage into dining room
2024/0445/BN	A	1A, Machen Street, Penarth. CF64 2UB	Re roof
2024/0447/BN	A	1, Meadowside, Penarth. CF64 3JX	Removal of a load bearing wall
2024/0448/BN	A	Paramatta House, 6, Wine Street, Llantwit Major. CF61 1RZ	3 internal steels & renewal of rear flat roof to balcony
2024/0449/BN	A	10, Melrose Street, Barry. CF63 2HF	Kitchen and diner knock through to open plan, internal load bearing wall to be removed and steels installed. Rear window to be turned into sliding doors and velux windows to be installed in the rear lean to roof
2024/0450/BN	A	11, Newbarn Holdings, St. Athan Road, Flemingston. CF62 3QL	Conversion of attached garage to playroom / second reception room
2024/0452/BN	A	64, Wordsworth Avenue, Penarth. CF64 2RN	Replacement of french doors to rear (garden) with larger bifold doors, 2 RSJ steel beams in wall above bifold
2024/0454/BN	A	3, Drope Terrace, St. Georges Super Ely. CF5 6EQ	Re roof of lean to, internal alterations to include new french doors, new velux windows, re render, new insulated walls, removal of chimney and installation of 3 rsj's, new floors,

(b) Building Regulation Applications - Reject

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

2024/0308/BN	R	REFUSED - Ground Floor Flat, 73, Trinity Street, Barry. CF62 7EX	REFUSED - Rear single storey extension
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2024/0309/BN	R	REFUSED - First Floor Flat, 73, Trinity Street, Barry. CF62 7EX	REFUSED - Loft extension with dormer
2024/0319/BN	R	REFUSED - 29, Bullfinch Road, St. Athan. CF62 4ND	REFUSED - Loft conversion to bedroom
2024/0395/BN	R	REFUSED - 3, Oak Grove, St. Athan. CF62 4JN	REFUSED - Change conservatory roof to solid roof system
2024/0405/BN	R	REFUSED - 5, Glastonbury Road, Sully. CF64 5PZ	REFUSED - Installation of single storey modular extension to rear of property, to include knocking through to existing house with insertion of steels beams and a sensory room for disabled person.
2024/0412/BN	R	REFUSED - Fir Trees, Romilly Park Road, Barry. CF62 6RN	REFUSED - Re-roof
2024/0433/BN	R	REFUSED - 21, West Terrace, Penarth. CF64 2TX	REFUSED - Dormer roof extension to the rear elevation

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

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

2024/0129/AI		The Barns, Crossways, Cowbridge CF717LJ	Detached garden annexe with sleeping accomodation.
2024/0128/AI	A	6, Lower Farm Court, Rhoose, CF62 3HQ	New warm type roof to existing conservatory
2024/0127/AI	A	10, Spencer Drive, Llandough, Penarth, CF64 2LR	Proposed rear extension with internal alterations and associated works.

2024/0126/AI	A	44, Enfield Drive, Barry, CF62 8NU	Replacement of an existing conservatory roof
2024/0125/AI	A	3, Lord Street, Penarth, CF64 1DD	Proposed loft conversion
2024/0124/AI	A	4, St Augustine's Place, Penarth, CF64 1BJ	Proposed loft conversion
2024/0123/AI	A	Holm House, Marine Parade, Penarth. CF64 3BG	Removal of internal wall
2024/0122/AI	A	34, Cosmeston Drive, Penarth. CF64 5FA	External structural opening for insertion of 1 no. door (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0121/AI	A	39, King Street, Penarth. CF64 1HQ	Loft conversion with rear dormer, lowered ceilings to 1st floor and associated works
2024/0120/AI	A	34, Cardigan Crescent, Llantwit Major. CF61 2GP	Refurbishment of existing dwelling to create an accessible assisted living bungalow including internal structural alterations, single storey extension, garage conversion and extension to existing porch (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

2024/0119/AI	A	Prisk Farm, Prisk, Cowbridge. CF71 7TJ	Conversion of 2 no. existing barns to create a new dwelling and conversion of 1 no. existing barn to create a detached annex on ground and first floor levels (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0118/AI	A	Crossways, Llantwit Major Road, Cowbridge. CF71 7LJ	New waste treatment tank
2024/0117/AI	A	9, Trem Mapgoll, Barry. CF63 1HD	Garage conversion
2024/0116/AI	A	7, Drope Terrace, St. Georges Super Ely. CF5 6EQ	Replacement of existing substantially glazed roof and inadequate supporting frames with new proprietary fully insulated solid leka roof system and new reinforced frames
2024/0115/AI	A	12, Plas Gwernan, Barry. CF63 1AR	Replace existing roof structure with warm roof system (works to incorporate material alterations to structure, controlled services and fittings)
2024/0114/AI	A	The Bungalow, Little Dock Street, Penarth. CF64 2JT	First floor extension



2024/0113/AI	A	4, Station Road West, Wenvoe. CF5 6AG	Proposed alterations to garage and associated works
2024/0112/AI	A	35, Cardiff Road, Dinas Powys. CF64 4DH	Single storey rear infill extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0111/AI	A	Blacksmiths Barn, Fonmon, Rhoose. CF62 3BJ	Material change of use to create holiday accommodation including a link extension and car port extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0110/AI	A	2, Nant Yr Adar, Llantwit Major. CF61 1TW	Replacement of fire damaged fire door between attached garage and kitchen of existing 2 storey house
2024/0109/AI	A	40, Cross Street, Barry. CF63 4LU	Loft conversion with rear dormer
2024/0108/AI	A	19, Wood Street, Penarth. CF64 2NH	Loft conversion with rear dormer
2024/0107/AI	A	10, Longmeadow Drive, Dinas Powys. CF64 4TA	Rear single storey extension, loft conversion

			with dormer and rooflights and internal modifications
2024/0106/AI	A	2, Home Farm Bungalow, Duffryn. CF5 6SU	Proposed rear extension and dormer attic conversion with associated works
2024/0105/AI	A	Whips Bunaglow, Llandough. CF71 7LR	Full internal refurbishment and creation of first floor terrace (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0104/AI	A	14, Thaw Close, Rhoose. CF62 3FX	Replacement of existing conservatory roof and frames
2024/0103/AI	A	58, Glamorgan Street, Barry. CF62 6JN	Loft conversion
2024/0102/AI	A	2, John Street, Penarth. CF64 1DN	Loft conversion
2024/0101/AI	A	Foxglove Cottage, Castele Mews, Llanblethian. CF71 7FA	Dormer loft conversion (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0100/AI	A	Purlon Farm, Wick Road, Llantwit Major. CF61 1YU	Two storey front extension with internal reconfiguration for new kitchen-diner / lounge & utility and convert two bedroom to ensuite / dressing room (works to

			incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0099/AI	A	5, Llandaff Close, Penarth. CF64 3JH	Dormer extension and remodel at first floor level to an existing loft conversion (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0098/AI	A	15, Old Village Road, Barry. CF62 6RA	Dormer loft conversion to create a habitable room and shower room at second floor level (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0097/AI	A	4, Romilly Park Road, Barry. CF62 6RN	Single storey side / rear extension and internal alterations (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0096/AI	R	REFUSED - 1, Cliff Parade, Penarth. CF64 5BP	REFUSED - Existing 2 storey house with attic storage space, completely remodelled with 2 storey extensions to all elevations and small single storey extension over utility area. Existing outbuilding demolished and re built with living accommodation above garage and gymnasium area

2024/0095/AI	A	123, Greenacres, Barry. CF63 2PN	Two storey side extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0094/AI	A	9, Bron Y Mor, Barry. CF62 6SW	External structural alterations to form first floor balcony and single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0093/AI	A	3, St. Brides Place, St. Brides Super Ely. CF5 6HB	Proposed rear extension, internal alterations and attic conversion

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 SEPTEMBER 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

2. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT 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

2011/00844/1/NMA	R	Timberscombe, The Rhiw, Graig Penllyn, Cowbridge	<p>Non Material Amendment - An amendment to House 2 - parking, lower ground level changed, new light well, external canopy omitted and stonework on elevation omitted.</p> <p>Amendment to House 3 - Lower ground level changed, new external steps and new light well. Other minor changes to elevations and windows of House 2 and 3. .Planning permission ref: 2011/008447FUL - Redevelopment of Timberscombe for three dwellings</p>
2014/00042/4/CD	A	CCFC Training Centre, opposite Hensol Villas,Cardiff	<p>Discharge of conditions 10 ( Foul, Land and Surface water drainage) and 19 (Full engineering details of the proposed access). Planning permission ref 2014/00042/FUL - Construction of 2 storey Football Centre with parking</p>
2018/01023/4/CD	A	Land North of Leckwith Road, Llandough	<p>Discharge of Decisions 13 ( Importation of Soils, 14 (Use of site won materials) for Planning Application Ref: 2018/01023/FUL - Proposed residential development comprising 40 affordable units (comprising a mix of 1 and 2 bed apartments) along with associated parking, highway and ancillary works at Land North of Leckwith Road, Llandough</p>

2018/01408/1/NMA	A	Former Cowbridge Comprehensive School, Aberthin Road, Cowbridge	Non Material Amendment - Minor Amendments to wording of conditions 22 and 23 to enable construction of the bat house independently of the residential elements. For Planning Application 2018/01408/FUL - Proposed demolition of existing school, development of 34 dwellings (30 flats and four houses) and associated works including the construction of bespoke bat roost, access/parking and landscaping
2018/01408/2/CD	A	Former Cowbridge Comprehensive School, Aberthin Road, Cowbridge	Discharge of Conditions 5 (Details of means of enclosures). 6 (Method statement for NO dig). 7 (Tree Protection) for Planning Application ref 2018/01408/FUL - Proposed demolition of existing school, development of 34 dwellings (30 flats and four houses) and associated works including the construction of bespoke bat roost, access/parking and landscaping

2019/01408/5/NMA	A	Land off Cowbridge Road, Cowbridge Road, St Athan	Non- Material Amendment - to alter the boundary treatment to the Redwood/Hawthorn flats and plots 211- 214 Planning permission ref. 2019/01408/RES - All reserved matters including appearance, landscaping and layout of outline planning permission 2016/01427/OUT for a residential development of up to 253 units and associated works
2020/00775/1/CD	A	Former Railway Sidings, Ffordd y Mileniwm, Barry	Discharge of Condition 10 (Ecology and Habitat Protection Management Plan). Planning permission ref. 2020/00775/OUT - Residential development at the former sidings, Ffordd y Mileniwm along with associated infrastructure and open space at Former Railway Sidings, Ffordd y Mileniwm, Barry
2020/00885/1/CD	A	Land adjacent to 53, Laura Street, Barry	Discharge of Conditions 3 (Levels), 4 (Ground gas assessment), 5 (Contaminated land 1), 6 (Remediation scheme 1), 8 (CTMP), 9 (CEMP) and 11 (Hard and soft landscaping). Planning permission ref: 2020/00885/FUL - A development of 3 detached dwellings



2020/00925/1/CD	A	Land at the Lawns, Cwrt-y-Ala Road,, Michealston Le Pit Road,	Discharge of Conditions 3 (Materials Details) 5 (Landscaping Scheme) for Planning Application Ref 2020/00925/FUL - Agricultural building
2020/01524/1/CD	A	Haydock House, 1 Holton Road, Barry	Discharge of conditions 6 (Drainage) and 10 (Affordable Housing) - Variation of Conditions 2 and 3 to planning permission 2013/01249/FUL to reposition retail, residential and communal lobby entrances, reduction in parking provision, increase in retail floorspace with mezzanine level, residential plots 3, 7 and 11 increased to 2 bedroom and the introduction of a roof pop access included at Haydock House, 1, Holton Road, Barry
2021/00861/FUL	A	Springfield Nurseries, Sutton Road, Llandow, Cowbridge	Variation of Condition 2 (Approved Plans and Documents) of Planning Permission 2020/00431/FUL: Erection of poly tunnels and three water storage tanks for strawberry production

2021/00950/2/NMA	R	36, Porlock Drive, Sully	Non-Material Amendment - Addition of lantern rooflight to single storey element and inclusion of 2 number dormers: 1 number to existing roof and 1 number to extended roof to replace previously accepted Cabrio roof window/balcony.. Planning Permission Ref:2021/00950/FUL: Rear 2 storey extension to dormer bungalow including extending single storey element
2021/01010/FUL	R	Gwaun Llyn, Degar Road, Llanharry	Proposed agricultural building
2021/01014/FUL	R	Land adjacent to Bay View, 3, Old Barry Road, Penarth	One new dwelling unit on vacant land
2022/00275/1/NMA	A	11, Anchor Road, Penarth	Non-Material Amendment - An amendment to change from a French door to window and to change the unaltered window to a single door on the front elevation. Planning permission ref 2022/00275/FUL - Metal powder coated balcony with associated glass and stainless balustrade to front and rear elevation

2022/00294/11/CD	A	Land adjacent to Oak Court, Myrtle Close, Penarth	Discharge of conditions 47 CTMP). Planning permission ref 2022/00294/HYB - Hybrid planning application comprising of a full application for extra-care accommodation and associated highways, landscaping and drainage works and outline application for residential development and associated works with all matters reserved except for access
2022/00294/12/CD	A	Land adjacent to Oak Court, Myrtle Close, Penarth	Discharge of Condition 51 (Travel Plan). Planning permission ref 2022/00294/HYB - Hybrid planning application comprising of a full application for extra-care accommodation and associated highways, landscaping and drainage works and outline application for residential development and associated works with all matters reserved except for access

2022/00294/8/CD	A	Land adjacent to Oak Court, Myrtle Close, Penarth	Discharge of Condition 38 (Bat, bird and hedgehog boxes). Planning permission ref 2022/00294/HYB - Hybrid planning application comprising of a full application for extra-care accommodation and associated highways, landscaping and drainage works and outline application for residential development and associated works with all matters reserved except for access
2022/00399/1/CD	A	Eden Cottage, Church Road, Llanblethian, Cowbridge	Discharge of Condition no. 3 (Materials) for Planning Application Ref: 2022/00399/FUL - Demolition of existing house and construction of replacement house at Eden Cottage, Church Road, Llanblethian, Cowbridge
2022/00813/FUL	R	Jubilee Fields Campsite, Jubilee Scout Campsite, St. Brides Super Ely	Erection of 3no. ancillary buildings, new access and exit to site, amended car park and associated hard and soft landscaping at the Jubilee Scout Campsite
2022/00820/FUL	A	Tafarn Barn Stables, Treerhyngyll	Proposed retention of gates to paddock (safety access for horses) and proposed security gate (vehicular access to existing stable block and approved agricultural machinery store 2020/00441/FUL)

2023/00006/FUL	A	Tafarn Barn Stables, Trerhyngyll	Proposed amendments to agricultural machinery and hay store as approved 2020/00441/FUL (raising agricultural machinery store ridge and eaves height)
2023/00160/1/NMA	A	1, Matthew Road, Fontygary, Rhoose	Non Material Amendment - An amendment to UPVC cladding to be as originally specified to replace render finish colour to be anthracite
2023/00202/1/CD	A	Llanmihangel Cottage, Llanmihangel, Cowbridge	Discharge of Conditions 3- Welsh Minister appeal condition (materials), Condition 4 - Welsh Minister appeal condition (windows and doors), Condition 5 - Welsh Minister appeal condition (biodiversity); Planning Permission Ref: 2023/00202/FUL; Proposed single storey extension to a dwelling used as a holiday let
2023/00203/1/CD	A	Llanmihangel Cottage, Llanmihangel, Cowbridge	Discharge of Conditions 3- Welsh Minister appeal condition (materials), 4 - Welsh Minister appeal condition (windows and doors), 5 - Welsh Minister appeal condition (biodiversity); Planning Permission Ref: 2023/00203/LBC; Proposed single storey extension to a dwelling used as a holiday let

2023/00262/FUL	A	Foxes Hollow, Michealston Le Pit Road, Michaelston Le Pit	Retention of access track, detached plant store structure, concrete base/pad adjoining gated access to manege and external flood lights, all of which are ancillary to the manege previously approved
2023/00368/FUL	A	Castle Brook, Lodge, Llanmaes	Variation of Condition 2 (Approved Plans) of Planning Approval 2021/00064/FUL: Proposed Detached Dwelling
2023/00380/FUL	A	Tenewith, Trerhyngyll	Proposed amendment to new section of wall as approved 2020/01516/FUL reducing the length from 6m to 3m and increasing the height from 900mm as approved to 1300mm
2023/00439/1/CD	A	20 Barry Building Services, Plymouth Road, Barry	Discharge of Condition 3 (Means of Enclosure) Planning Permission ref: 2023/00439/FUL - A change of use from class E(g) I to a class C3 (a) The dwelling house is to be internally altered to allow for a bedroom and a bathroom upstairs, along with a kitchen and living room diner area below at Barry building services Ltd 20 Plymouth rd Barry

2023/00517/FUL	A	Caer Wigau Uchaf Farm, Pendoylan Road, Pendoylan	Renewal of lapsed Planning consent Ref 2016/01256/FUL for conversion and refurbishment of existing detached outbuilding/store to provide garden office/occasional guest bedroom facilities ancillary to existing farmhouse. All designs and details remain the same as the previously consented applications
2023/00566/2/CD	A	Ty Isaf, Drope Road, Drope	Discharge of Conditions 3 (biodiversity scheme) and 5 (materials). Planning permission reference 2023/00566/FUL - New single storey extension on the site of former agricultural building. It is intended to plant a native stock hedge along the west facing boundary fence adjacent to the Village Hall car park to provide privacy and help with biodiversity
2023/00577/1/CD	A	Fonmon Castle, B4265 Llancadle To Penmark, Fonmon	Discharge of Condition No; 3 (CEMP (NRW) for Planning Application Ref 2023/00577/FUL - Creation of 9 off-line ponds within the floodplain at Fonmon Castle, Fonmon

2023/00659/1/CD	A	Windmill Farm, Llansannor, Cowbridge	Discharge of Condition 6. (Materials Details) For Planning Permission Ref; 2023/00659/FUL - As per Planning Approval 1998/00339/FUL, 8 of 10 units have been completed. This application is to complete the remaining 2 (units 3 and 4 on plans). Convert Unit 3 to a one bed cottage and Unit 4 to a laundry/storage space for the business.
2023/00659/1/NMA	A	Windmill Farm, Llansannor, Cowbridge	Non Material Amendment - An amendment to the new walls being built on the 2 units were approved as timber cladding. Request to use the same stone to face the walls that all the 10 units are built. Planning permission ref 2023/00659/FUL - As per Planning Approval 1998/00339/FUL, 8 of 10 units have been completed. This application is to complete the remaining 2 (units 3 and 4 on plans). Convert Unit 3 to a one bed cottage and Unit 4 to a laundry/storage space for the business.
2023/00716/FUL	A	St. Quentins House, Castle Hill, Llanblethian, Cowbridge	Demolition of the existing outhouses to erect a Single storey side extension with associated works



2023/00821/1/CD	A	33-35 Kitchener And Thomas, Windsor Road, Penarth	Discharge of Condition No.5 (Materials Details) for Planning Application Ref: 2023/00821/FUL - Return retail space back to two independent shops. Refurbishment of front elevation including new shop front. Construction of rear extension to provide additional retail space. Reconfiguration of flats including new dormers and roof terrace at Kitchener And Thomas, 33-35, Windsor Road, Penarth
2023/00861/1/CD	A	The Vines, 22A Evenlode Avenue, Penarth	Discharge of Condition 3 - (Levels) and Condition 5 - (Foul and Surface Water Drainage) Details Planning Permission Ref: 2023/00861/FUL: Replacement dwelling including replacement outbuilding and associated works Replacement dwelling including replacement outbuilding and associated works.
2023/00906/FUL	A	72, St. Pauls Avenue, Barry	Levelling of existing terraces to create a patio and accessibility foot path to lower garden
2023/00995/FUL	A	Carreg Las, Redway Road, Bonvilston	Application for removal or variation of a condition 2 - Plans Specification - 2022/00697/FUL - Construction of a new four bedroomed house with garden, driveway and garage

2023/01015/FUL	A	The Murch Recreation Ground, Off Sunnycroft Lane, Dinas Powys	Relocation of existing boundary fence to permit the enlargement of the existing football pitch (see covering letter for further details)
2023/01040/FUL	A	Castle Upon Alun House, St. Brides Major	Proposed conversion and change of use of existing listed building to holiday let with associated external works and erection of a new storage building to include a bat roost
2023/01041/LBC	A	Castle Upon Alun House, St. Brides Major	Proposed conversion and change of use of existing listed building to holiday let with associated external works and erection of a new storage building to include a bat roost
2023/01045/FUL	A	Llwyn Onn, 4, Heol Ty Mawr, Pendoylan	Erection of garden building
2023/01049/FUL	A	Building Rear of 59, Vere Street, Barry	The demolition of the existing workshop and construction of a new three storey apartment block. The new apartment building will be split into three sub divided one bed apartments
2023/01076/FUL	A	Land at Bro Tathan, St Athan	Proposed provision of above and below ground utilities, associated infrastructure and reprofiling of land.

2023/01077/FUL	A	31, Victoria Road, Penarth	proposed double garage to rear of garden complete with new lane access
2023/01094/1/CD	A	1 Drylla, Dinas Powys	Discharge of Conditions 1. (colour of fence) and 2. (biodiversity enhancement)) for planning permission ref: 2023/01094/FUL - Erection of vertical timber fence to boundary
2023/01099/FUL	A	Birchcourt, 4, The Butts, Cowbridge	Variation of Condition 4 - Boundary Treatment, of approval 2021/00183/FUL- Proposed alterations to include removal of garage and new kitchen/snug extension to ground floor and principal bedroom extension to first floor
2023/01165/FUL	R	First Floor Flat, 57, Stanwell Road, Penarth	Replacement galvanised balcony on site of old wooden balcony
2023/01187/FUL	A	Shorkot Farm House, Woodland Lane, Leckwith	New retaining wall and associated works
2023/01196/1/CD	A	Milverton, Lane - Logwood - Junction A48 To Peterston Super Ely, Peterston Super Ely	Discharge of Conditions 3 (Levels), 4 (Landscaping) for Planning Application ref 2023/01196/FUL - Replacement new build dwelling house in place of previously extended project at Milverton, Peterston super Ely

2023/01208/FUL	A	Middle Hill, Llancarfan	Proposed equestrian manege / fenced training ground
2023/01270/FUL	R	Land at Ffynnon Y Capel, St. Donats	Controlled dog walking/exercise field. Pre booked appointments, with one in, one out control
2023/01275/FUL	A	19, Greenacres, Barry	2 storey side extension with Juliet balcony to rear, new porch to front and loft conversion with rear dormer and Juliet balcony
2023/01283/1/NMA	A	13 Cwrt-y-vil Road, Penarth	Non - Material Amendment - An amendment to the ground floor extension facing brickwork removed and replaced with new smooth render for Planning Permission Ref: 2023/02183/FUL - Proposed alterations to existing dwelling to include 2 storey rear extension and front / side dormers to existing roof
2023/01286/FUL	R	Crossways House, Cross Ways, Cowbridge	Revised application for the demolition of existing bungalow and garage and construction of a replacement dwelling
2023/01289/FUL	A	6, Vincent Close, Barry	Retain as built garage conversion

2023/01296/1/NMA	A	Glyndwr Vineyard, Llanblethian, Cowbridge	Non Material Amendment - An amendment to remove the archaeology condition. Planning permission ref 2023/01296/FUL - Proposed 1 no. tourist accommodation lodge constructed in accordance with the Caravan Act
2023/01297/FUL	A	Old Mill Cottage, Mill Road/ Lettons Way , Dinas Powys	Proposed stone boundary wall (to provide safety to existing culvert)
2024/00041/FUL	A	2, Evelyn Street, Barry	Change of use and external alterations, including partial demolition and extensions to facilitate the creation of 3 apartments and 2 studios with the retention of 2 retail units (A1 use) at ground floor
2024/00043/FUL	A	Land at Old Brocastle Quarry, Roman Road, Crack Hill, Bridgend	An amendment to planning permission ref 2020/00040/FUL to exchange three approved day/utility rooms for each pitch to one larger communal family day/utility room
2024/00047/FUL	A	28, Victoria Road, Penarth	Proposed single storey rear/side extension and various internal and external alterations

2024/00073/RES	A	Hensol Castle, Hensol Castle Park, Hensol	Reserved Matters for the proposed enabling development associated with the restoration of Hensol Castle, comprising a 6no. Dwellings in the north west of the site, known as 'Castle Villas' LPA Ref. 2018/00482/HYB (amended by LPA Ref. 2022/01220/HYB)
2024/00075/FUL	A	Old Mill Cottage, Mill Road, Dinas Powys	Proposed alterations and extensions to existing dwelling
2024/00081/3/CD	A	Ty-ffynnon, Drope Road, St Georges Super Ely	Discharge of Condition no. 4 ( Details/Additional details of rooflights. For planning application ref. 2024/00081/LBC - Renew existing thatch to rear elevation roof and insert 3 no. conservation rooflights at Ty-ffynnon, Drope Road, St. Georges Super Ely
2024/00103/FUL	A	Barry Storage and Distribution, David Davies Road, Barry	Single storey extension to existing warehouse, storage and distribution building.
2024/00133/FUL	A	1, Plas Glen Rosa, Penarth Portway, Penarth	First floor Juliet balcony, change of windows and internal reconfiguration
2024/00136/FUL	R	97, Tynewydd Road, Barry	Dropped kerb to front of property

2024/00138/FUL	A	Pier And Piano, 40-42, Windsor Road, Penarth	Projection of existing single storey extension at front of building and construction of planter area and disabled access ramp. Conversion of part of Lower Ground Floor to ancillary cooking school for use in connection with proposed restaurant. Provision of kitchen extractor flue on rear elevation. Construction of 2 no dormers on rear roof slope and alteration to first floor to create extended flat for staff accommodation.
2024/00141/FUL	A	63, Porth Y Castell, Barry	Two storey side extension and conversion of rear sun room
2024/00143/FUL	R	15, Eastgate, Cowbridge	First floor extension above garages of No. 15 and 17, Eastgate, Cowbridge with external staircase to create home studio/store/office
2024/00147/FUL	A	49, Pontypridd Road, Barry	Retention of existing rear roof structure with installation of 2 No. Juliet Balconies in front of both French doors and retention of rear patio area with erection of timber patio screen
2024/00172/FUL	A	14, Westbourne Road, Penarth	Change front windows to whole house from existing upvc (non sash) casement windows to 'sash' upvc windows

2024/00175/FUL	A	Glenholme Farm, Peterston Super Ely	Proposed alterations and extensions to existing farmhouse, including balcony to side elevation
2024/00183/FUL	R	Church House, St Mary Hill, Bridgend	Construction of a single storey detached garage and wood store
2024/00204/1/NMA	A	19 John Street, Penarth	Non-Material Amendment - An amendment for a window added to proposed first floor bathroom. Planning permission ref; 2024/00204/FUL. Single storey rear extension to rear of property at first floor level. Demolition of existing rooms and garage to rear of property. New dormer roof. Relocation of main entrance from the side of the property to front of the property to provide a level access from John Street.
2024/00215/FUL	A	Foxglove Cottage, 1 Castle Mews, Llanblethian, Cowbridge	Loft conversion comprising of 2 dormers.
2024/00220/FUL	A	Home Farm Bungalow, 1, St. Lythans Road, Dyffryn	Ground floor extension to the rear along with a roof extension
2024/00229/FUL	A	15, Cornerswell Place, Penarth	Dormer loft conversion
2024/00244/FUL	A	Pantiles, Colwinston	To build a shed faced in natural stone with pan tiled roof to replace existing steel framed shed



2024/00255/FUL	A	Penllyn Estate Farm, Bunkhouse, Llwynhelig, Cowbridge	Proposed erection of 3 no. glamping pods and associated landscaping works
2024/00257/FUL	A	Marks And Spencer Plc, Culverhouse Cross	Works to car park including the installation of eight electric vehicle charging bays, six with their own dedicated charging unit and one pair sharing a charger, a substation enclosure and associated electrical equipment
2024/00259/FUL	A	5, St. Augustines Place, Penarth	Proposed rear dormer loft conversion, all finishes to match existing
2024/00263/FUL	A	49, White Farm, Barry	The installation of a modular extension, housing a bedroom and a shower room. The extension will be positioned to the side of the property and will require the formation of a doorway from the existing living room into the extension.
2024/00287/FUL	A	Albert Primary School And Nursery, Albert Road, Penarth	Internal alterations to provide a new catering kitchen with associated ventilation to replace an existing staff room together with 2 no fan ducts located in existing flat roofs to provide intake air and extraction linked to the kitchen.

2024/00288/LBC	A	Albert Primary School And Nursery, Albert Road, Penarth	Internal alterations to provide a new catering kitchen with associated ventilation to replace an existing staff room together with 2 no fan ducts located in existing flat roofs to provide intake air and extraction linked to the kitchen.
2024/00290/FUL	R	50, St. Davids Crescent, Penarth	Proposed ground and first floor extensions and entrance porch to create additional living space and bedrooms
2024/00293/FUL	A	130, Fontygary Road, Rhoose	Rear ground floor extension and detached garage / office outbuilding
2024/00294/FUL	A	2 Hazel Grove, Dinas Powys	Changes to front elevation roof line, demolish existing front porch, new paved off road parking and new crossover to public highway. Ground floor window to side elevation.
2024/00300/FUL	A	London House, 89, Eastgate, Cowbridge	Change of use to provide medical healthcare clinic (Use Class D1)
2024/00301/FUL	A	Argoed Uchaf, Llanharry, Pontyclun	Retrospective application for the retention of existing garage and wall
2024/00311/FUL	A	14, Colcot Road, Barry	Two storey extension to the side and rear of property

2024/00312/FUL	R	7, Wayside Cottages, Cardiff Road, Dinas Powys	Removal of fence. Insert new driveway
2024/00319/FUL	A	26, Plymouth Road, Penarth	External alterations to the rear of the property to include replacing the rear kitchen window with a sliding door, replace the conservatory windows/door with one bifold door and replace the existing plastic roof with a glass roof, increase the size of the second floor rear bedroom window,
2024/00325/FUL	A	Ivy Dene, Pen y lan Road, Aberthin, Cowbridge	Re-slate main roof
2024/00328/FUL	A	2, Talbot Terrace, St Mary Church	Proposed two storey rear extension to rear to provide kitchen/dining room to the ground floor and bedroom to the first floor
2024/00334/FUL	A	The Cherries, Pendoylan Road, Pendoylan	Proposed two storey side and rear extensions and remodelling of existing property. Replacement detached garage with storage above
2024/00337/FUL	A	Nant Dowlais, tributary of River Ely, Drope Road, St. Georges Super Ely	The Nant Dowlais River Restoration scheme aims to improve the WFD status of the Nant Dowlais by restoring the natural river characteristics and morphology. (Full details on application form)

2024/00338/FUL	A	31 The Broad Shoard, Cowbridge	Conversion of garage to form accessible ground floor bathroom and utility room, together with glazed rear dining area extension and front carport.
2024/00341/FUL	A	93, Jenner Road, Barry	To extend hip roof to new gable end roof with rear elevation dormer extension and 2 no. conservation Velux roof lights to front elevation
2024/00343/1/CD	A	Lower Greenway Farm, Pen Y Waun To Junction A48 Bonvilston	Discharge of Condition 5. ( Biodiversity Enhancement Details) For Planning Ref: 2024/00343/FUL - Conversion of existing building to house 2 no. Biomass boilers at Lower Greenway Farm, Bonvilston
2024/00345/FUL	A	1, Plas Pamir, Penarth	Proposed first floor balcony to the rear and new windows to the side elevation
2024/00346/FUL	A	20, Milton Road, Penarth	Proposed single storey rear extension
2024/00348/FUL	A	4, Cwrt Ty Mawr, Penarth	Single storey rear/side extension. side access gate blocked up. Windows to rear elevation revised. New entrance porch

2024/00352/OBS	N	Land at The Waterfront known as Cardiff Peninsula, International Drive, Grangetown, Cardiff	Scoping opinion in respect of Mixed use development to provide new homes (class C3), business space (class B1) and a mix of complementary leisure, food, drink, hospitality, retail and health and wellbeing uses (class A1, A2, A3, C1,D1 and D2); creation of new and associated landscaped spaces, public realm and other associated ancillary and highway works.
2024/00354/FUL	R	Sunningdale, Victoria Park Road, Barry	Proposed Infill to existing front porch to create larger entrance and storage area. Internal reconfiguration Proposed 1.8m Timber Hit and Miss Fence to side elevation to create secure and private patio area.
2024/00358/FUL	A	Baobab, Highlight Lane, Barry	Proposed First and Second Floor Extensions with Juliet balconies to the rear and Internal Alterations
2024/00359/FUL	R	Land at Village Farm, St Mary Hill, Llangan, Bridgend	Change of use of agricultural land to a secure dog walking field with associated fencing, access and parking area
2024/00360/FUL	A	103, Pontypridd Road, Barry	Alteration and extension to create an extended living/dining area together with a first floor Dormer extension to provide two new bedrooms and bathroom

2024/00372/FUL	A	Kninkin, St Hilary	Erection of double garage
2024/00373/FUL	A	8, Cedar Way, Penarth	Two storey and single storey rear extensions and single storey side extension
2024/00375/FUL	A	75, Pontypridd Road, Barry	Single storey rear extension for new games/tv room and adaptations to front area to provide new steps and balustrading, a canopy above front door and parapet wall lengthening. Bio diversity measures to be incorporated.
2024/00377/FUL	A	3 Clive Place, Penarth	Variation of Condition 4 of Planning Permission 2023/01153/FUL: Garage to rear of 3 Clive Place, with proposed vehicular and passenger gates.
2024/00380/FUL	A	Cwrt Newydd Farmhouse, Llandow	Proposed single storey extension to the southern elevation. External works to include installing new porch to main entrance, new double garage plus stone boundary wall with gated access to driveway
2024/00381/FUL	A	32, Elfed Avenue, Penarth	Demolish existing rear single storey attached out houses, and construct new single storey extension. Construct new rear dormer loft conversion.

2024/00382/FUL	R	Orchard Dene, Welsh St Donats, Cowbridge	Retrospective Planning consent for the refurbishment of dilapidated/ and storm damaged lambing/cow shed and hay barn, including part demolition and adjustment of roof lines
2024/00385/FUL	A	Curload, Factory Road, Llanblethian, Cowbridge	Urgent demolition and rebuilding of house chimney using existing bricks if possible. Rebuilding is urgently required due to severe ingress of water into attic space
2024/00386/FUL	A	Land on Hayes Road, Sully	Variation of Condition 2 of Planning Permission 2023/00775/FUL: Proposed new palisade fencing along boundary with Hayes Road
2024/00387/LAW	A	17, Coed Y Felin, Barry	Garage conversion to habitable room with new window at front to replace garage door and new window to rear to replace existing rear single door
2024/00397/FUL	A	58, Shakespeare Avenue, Penarth	Proposed single storey side extension
2024/00398/LAW	A	Stapleton, 120, South Road, Sully	Proposed siting of static caravan as permanent granny annexe ancillary to main dwelling

2024/00399/FUL	A	70, Westbourne Road, Penarth	Demolition of existing rear kitchen and WC. Creation of new kitchen and utility area. Dual-pitched roof with materials to match existing
2024/00402/FUL	A	108, Glebe Street, Penarth	Retrospective planning application relating to additional works carried out relating to planning consent 2019/00784/FUL - namely, extending preparation area by a further 1500 and the construction of bicycle/bin store to rear of site and the provision of air conditioning/condenser unit
2024/00404/FUL	A	13, Lakeside, Barry	Proposed two storey rear extension
2024/00405/FUL	R	Court House Farm, Wick Road, Ewenny	Retrospective amendment of 2019/01203/FUL external design features including (but not limited to), timber cladding, windows, personnel door and rendering of block work.
2024/00407/FUL	A	16, Ashgrove, Dinas Powys	New pitched roof over front porch and side extension. Extended roof over rear elevation
2024/00408/FUL	A	13, Minster Close, Barry	Proposed rear kitchen extension.
2024/00411/FUL	A	38, Ffordd Cwm Cidi, Barry	Addition of 2 No Parking Spaces to the front of the property



2024/00416/FUL	R	21, Birch Grove, Barry	Removal of chimney stack and replacement of roof slates
2024/00417/LBC	A	Penllyn Castle, Penllyn	Fitting of external light to front porch and rebuilding of front door.
2024/00419/LBC	A	Penllyn Castle, Penllyn	Alteration to wall finishes within inner courtyard, including boxing in of drainage pipes.
2024/00421/FUL	A	51-53, Barry Animal Health Centre, Tynewydd Road, Barry	Conversion of existing veterinary practice to 4 No 2 bedroom flats and demolition of existing single storey flat roofed rear extensions.
2024/00423/FUL	R	18, Dochdwy Road, Llandough, Penarth	A first floor extension to provide a bedroom and utility room with a carport at ground level below.
2024/00426/FUL	A	73 Trinity Street, Barry	Proposed ground floor rear/side extension, proposed dormer loft conversion, proposed internal remodelling to maintain 2 no. flats
2024/00427/LAW	A	32, Aneurin Road, Barry	Alterations to side addition. No change to existing footprint and reconstructed in line with current building regulations

2024/00429/FUL	A	1, Porth Cottages, Heol Sant Y Nyll, St Brides Super Ely	Two Storey Side and Rear Extensions, Single Storey Side Extension, Alterations to Front Porch and Fenestration
2024/00435/FUL	R	38 Drylla, Southra Park, Dinas Powys	Two storey side extension and new garage
2024/00436/FUL	A	70, Redbrink Crescent, Barry	Demolition of existing single leaf brick "lean to" utility room. Re build with insulated cavity walls, double hip roof and integrate into existing kitchen.
2024/00437/FUL	A	Touchwood, 71, Highwalls Avenue, Dinas Powys	Alteration of existing dwelling, to include extending ground floor area to meet 1st floor overhang, new windows and doors and general update to modern building standards
2024/00439/FUL	A	Baytree House, 3 Lord Street, Penarth	Loft conversion complete with dormer to rear and roof light to front
2024/00440/FUL	A	80, Colcot Road, Barry	Single Storey Garage Conversion Into Granny Annex

2024/00441/FUL	A	43 Tynwydd Road, Barry	Convert the property back into a single dwelling house. This would involve the removal of the 1st floor flat kitchen and boiler, convert the 2 utility supplies to 1 supply. Remove the internal entrance doors to each of the flats. No works are required to the external areas of the building.
2024/00444/FUL	A	62 Plymouth Road, Penarth	Replacement of 6no. sash windows with UPVC windows.
2024/00447/FUL	A	9 Walston Road, Wenvoe	Extension with pitched roof to the existing property on one side of the house.
2024/00449/FUL	A	13 Plas St Andresse, Penarth	Proposed steel & glass balcony to front elevation, replace existing windows with door units, all finishes to match existing
2024/00451/FUL	A	Ewenny Garden Centre, Wick Road, Ewenny	Variation of Condition 1 of 2014/00442/FUL (Renewal of consent) for new access for existing garden centre
2024/00457/FUL	A	Blue Anchor Inn, East Aberthaw	This proposal is for a walled beer garden located in the front carpark of the Blue Anchor Inn
2024/00460/FUL	A	7 Chantry Rise, Penarth	Rear, side and loft extensions to existing dwelling including internal alterations and Juliet balcony to rear

2024/00467/FUL	A	Land west of Old Rectory, Bonvilston	Erection of agricultural building, track and alteration to existing access
2024/00468/FUL	A	26 Marine Drive, Ogmore By Sea	Proposed double storey front extension, single storey infill to the existing front porch
2024/00469/FUL	A	40 Stanwell Road, Penarth	Addition of a second sash window to the side of the kitchen to match existing and a triple bifold door to the rear
2024/00471/FUL	A	22 Victoria Road, Penarth	Replacement of existing garage with new outbuilding for storage and gym.
2024/00472/FUL	A	7 Heol Dewi Sant, Barry	Second storey flat roof extension to rear of the property, above existing single rear extension. Dormer bedroom with Juliet balcony in attic at the rear of the property. Adjustment to existing windows at the side of the property
2024/00475/FUL	A	33, Maes y Cwm Street, Barry	Replacement of existing lean to at rear of domestic dwelling with new flat roof and new bi-folds
2024/00476/FUL	A	33 Clos Cradog, Penarth	Retrospective planning application for a green house within rear garden.

2024/00477/FUL	A	19 Lavernock Road, Penarth	Rebuilding of kitchen and cloakroom on footprint of existing kitchen and bathroom to rear of property. Entrance hallway and garage to be added to side of property. Two bedrooms to be added in a second storey above a portion of the above mentioned building.
2024/00478/PNT	A	Acorn Holiday Park, Nut Walk, Llantwit Major	Proposed Streetworks telecommunications installation. The proposal is the installation of a 20m M-Range V2 pole with 6nos antennas, 1no 300mm transmission dish, 3nos equipment cabinets, 1no meter cabinet and ancillary development.
2024/00482/FUL	A	5, Pembroke Terrace, Penarth	Installation of Air Source Heat Pump in rear garden
2024/00485/FUL	A	28, Cae Gwyn, Penarth	Single storey front porch extension
2024/00487/FUL	A	1, The Precinct, Principality Building Society, Boverton Road, Llantwit Major	Alterations to shopfront with changes to glazing and existing fascia advert moved above the window
2024/00489/FUL	A	Woodview, 7, Church Rise, Wenvoe	Proposed detached car port
2024/00490/FUL	A	23, Cilgant y Meillion, Rhoose	Demolition of existing conservatory, construction of new single storey extension and front porch

2024/00494/FUL	A	85, Railway Road, Rhoose	Conversion of existing double garage to an Annexe
2024/00496/FUL	A	24 Pontypridd Road, Barry	Proposed dormer loft conversion with Juliet balcony to rear elevation at existing domestic dwellinghouse. Alterations to existing rear ground floor extension
2024/00499/FUL	A	Cold Knap Sewage Pumping Station, Lakeside, Barry	Retention of 2 storage containers and installation of 1 welfare container (changing facilities and first aid) in association with voluntary Rhondda Cold Knap Lifeguard Club
2024/00500/FUL	A	19, Craven Walk, Penarth	Demolition of existing detached dormer bungalow and garage. Erection of new 2 storey, detached replacement dwelling. Widening of existing access off Craven Walk.
2024/00501/FUL	A	32, West Farm Road, Ogmore By Sea	Removal and replacement of roof with raised pitch rear dormer and attic storey extension including balcony.
2024/00503/FUL	A	35, Stanwell Road, Penarth	Demolish existing rear lean-to extension & construct new with additional internal remodelling

2024/00507/FUL	A	6, Clos Y Wiwer, Llantwit Major	Proposed Side Extension over single storey & Single Storey Rear Extension with new Single Garage at front of property
2024/00508/FUL	A	13, St Andrews Road, Barry	One and two storey side and rear extension with front porch
2024/00509/FUL	A	70, Shakespeare Avenue, Penarth	Single storey side & rear extension, loft conversion with hip to gable extension and rear dormer plus all associated works
2024/00510/FUL	A	79 Crompton Way, Ogmore By Sea	Conversion of integral garage into a home office and storage space.
2024/00511/FUL	A	Oaklands, St Hilary	Proposed external porch to front of existing property
2024/00514/FUL	R	28 Fairfield Rise, Llantwit Major	To extend the existing front dormer to make it a usable room and to add another dormer to make a new bedroom.
2024/00516/FUL	A	Greendown, Bonvilston	Proposed front and rear single storey extensions and extensions over ground on both sides, including external alterations and associated works
2024/00518/FUL	A	27 Heol Tre Forys, Penarth	Single storey rear extension - Revised architectural plans

2024/00522/FUL	A	26 Rhodfa Sweldon, Barry	To convert the garage into a bedroom with shower facilities and door access into main house. Replace the existing garage door with patio doors. Internal alterations to adapt ground floor cloakroom to shower room.
2024/00523/FUL	R	Fferm Tri Brawd, Land adjoining Mount Pleasant Farm, Middlecourt Gate, Cowbridge	Proposed agricultural machinery store and housing
2024/00525/FUL	A	8, Windsor Terrace, Penarth	Rear Garden garage / office
2024/00526/LAW	A	Wayside, 18, Dispenser Road, Sully	Window in principal bedroom (see house plans, N.E.Elevation) not on original plan has been in place for over four years.
2024/00527/FUL	A	40, Beechwood Drive, Penarth	Proposed front porch, all finishes to match existing
2024/00528/FUL	A	The Croft, Ffordd Yr Eglwys, Peterston Super Ely	Demolition of existing bungalow which unfortunately has been deemed, by a structural engineer, too structurally unsafe to reuse and the rebuilding of a new bungalow with the front elevation stone wall rebuilt to visually match the existing as closely as reasonably possible.



2024/00533/FUL	A	The Mill, Peterston Super Ely	Proposed single storey extension to the east elevation, connecting to the ground floor level, extension will be raised above the lower levels to avoid potential flooding. Alterations to entrance on south elevation and creation of first floor balcony.
2024/00538/FUL	A	Cuyahoga Lodge, 12 Clevedon Avenue, Sully	Two storey rear extension with first floor side dormer extension. Glazed balcony, Glazed link corridor and Garage to Office conversion.
2024/00544/FUL	A	The Butterleys, 29 Westgate, Cowbridge	Variation of Condition No.1 (Time limit) for Planning Application Ref: 2019/00523/FUL - Proposed single storey general use building (garden room/office/changing area for pool)
2024/00545/FUL	A	Milburn House, 5, Milburn Close, Rhoose	New dormer roof extension, providing new bedroom accommodation in existing mono pitch roof, south elevation. Provision of biodiversity enhancement by means of bird box and bat box installations.
2024/00546/OBS	P	Ford Engine Plant, Waterton Industrial Estate, Cowbridge Road, Bridgend	Prior notification to demolish factory building, offices and ancillary buildings

2024/00548/FUL	A	The Vale Pavillion, Hensol	Variation of Condition 2 (Drawings) of 2023/00107/FUL: Two storey extension to form coach and official's changing areas, a store, boots off room, press conference/lecture hall, and wcs to the lower ground floor, with training and meeting rooms on the ground floor above. Solar panels to the extension roof. Extension of the existing terraced area to the ground floor to provide a viewing platform over the pitches. Two extensions to the lower ground floor, to accommodate the increased activation area (gym) and medical testing area requirements at The Vale Pavillion, Hensol
2024/00550/FUL	A	Southdown, Church Close, Ogmore By Sea	An Extension to an existing Bungalow and the relocation of the garage
2024/00553/FUL	A	Beggan Farm, Leckwith	New rear extension to existing farm house, to accommodate lounge, ground floor bedroom and accessible shower room.
2024/00555/FUL	A	7, Tennyson Road, Penarth	Proposed single storey rear and side kitchen extension and new front entrance porch.
2024/00562/FUL	A	10 Caynham Avenue, Penarth	Proposed single storey extension to the rear of existing dwelling

2024/00570/PNA	R	Ty Cerrig, Pen Y Waun To Junction A48, Bonvilston	Proposed new access track
2024/00572/OBS	B	Premier Inn Bridgend, Road to Pant Ruthin Fawr Farm, Llanharan, Bridgend	Extension to hotel to provide additional bedrooms together with alterations to the car park and all associated works.
2024/00573/FUL	A	70 Plymouth Road, Penarth	Replacing the rear existing single storey kitchen, renovations and alterations to the front boundary wall
2024/00578/FUL	A	Sunbelt Rentals Ltd, Llandough Industrial Estate, Penarth Road, Cardiff	Demolition and disposal of existing industrial units followed by erection of new industrial workshop unit.
2024/00581/FUL	A	10 The Paddock, Cowbridge	Extend existing porch and office
2024/00582/FUL	A	55, Tre-beferad, Boverton, Llantwit Major	Single storey rear extension (revision to previously approved application 2023/00604/FUL)
2024/00583/FUL	A	14, Regency Close, Llantwit Major	Proposed Two Storey Side Extension and Associated Works
2024/00589/FUL	A	Wits End, 2 Stockwood Mews, North Road, Cowbridge	Proposed ground floor extension to enlarge kitchen/dining area and form ground floor w.c

2024/00590/FUL	A	52, Plas Taliesin, Penarth	Proposed single storey extension to utility room and new balconies to front elevation
2024/00596/FUL	A	Cowbridge Fire Station, Eastgate, Cowbridge	Installation of 2.4m x 4.8m Mini Healey Outdoor Classroom installed by Landscapes for Learning - The shelter is made from Scandinavian tantalised timber with a green roof and will be installed with ground screws so it is more environmentally friendly than a concrete base and not a permanent structure.
2024/00598/FUL	A	Bridge House Farm, Llanmaes Road, Llanmaes	Proposed side extension with small pitched roof dormer and balcony to one elevation and single storey extension to opposite elevation to existing domestic dwellinghouse
2024/00603/FUL	A	Penybryn, Llantwit Road, St Athan, Barry	Demolish of existing garage and lean-to rear extension. Construct new (lawful development) rear lean-to extension, new garage, internal remodelling and relocate front door. All finishes to match existing
2024/00609/PND	A	H M S Cambria, Hayes Lane, Sully, Penarth, CF64 5XU	Managed Demolition work - All buildings within the site
2024/00615/LAW	A	55 Clive Road, Barry	Proposed loft conversion with velux windows

2024/00621/FUL	A	Ty Newydd, A48 Bonvilston, Bonvilston	Extension to east elevation for dining area and rear covered area enclosed to provide storage / garden room. Windows changed throughout and new off-white render over existing. Garage door changed and other minor alterations as shown in drawings
2024/00622/FUL	R	Pen Y Bryn, Pen-y-lan Road, Aberthin	Orangery extension
2024/00623/LBC	R	Pen Y Bryn, Pen-y-lan Road, Aberthin	Orangery extension
2024/00626/FUL	R	17, Woodland Drive, Penarth	Two storey rear extension. single storey side extension. existing hardstanding to front widened

2024/00630/PNA	R	Biglis Farm, Argae Lane, St Andrews Major, Barry	The proposed building is an agricultural type steel portal framed building to replace a timber "pole barn" which has recently failed during inclement weather in the winter of 2023-2024. The proposed building will be clad on three sides with yorkshire boarding and the main elevation will be open, with a gated cattle feed barrier facing the existing yard area. Beneath the yorkshire boarding cladding there will be concrete wall panels, approximately 1.5 metres high, as these are best suited to retaining animals securely.
2024/00637/FUL	A	3 Elm Close, Sully	Demolition of existing single storey porch with the construction of replacement porch, plus material / finish alterations to external elevations plus all associated works
2024/00646/FUL	A	10, Adar Y Mor, Barry	Erect a storm porch to the front elevation
2024/00678/HR	A	Various locations in Wenvoe	The proposed scheme requires the partial removal of 16 hedgerows, located near Wenvoe, Cardiff. Sections are between 3-4m. All hedgerows are over 30 m in length.

2024/00688/PND	A	Wenvoe Quarry, Alps Quarry Road, Wenvoe	Due to refurbishment costs and the evolution of the business the Company has relocated its regional functions to purpose built premises in Treforest. The Wenvoe offices are therefore surplus to requirements and vulnerable to vandalism and theft. As a result it is proposed to demolish the property.
2024/00728/OBS	S	Former Ford Engine Plant, Waterton Ind. Est., Bridgend	Request for scoping opinion for proposed data centre campus
2024/00745/OBS	P	Rhydhalog Newudd Heol Y Bont-faen, Talygam, Pont-y-clun, Rhondda Cynon Taf.	Enterprise dwelling, garage and all associated works (outline permission 24/0060/13)

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **26 SEPTEMBER 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

3. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2024/00007/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03453-Q2R1X2  
Appellant: Mrs Alison Cooper  
**Location: 7, Hickman Road, Penarth**  
Proposal: Change existing clay ridge hips to lead hips  
Start Date: 2 July 2024

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LPA Reference No: 2023/01175/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03476-G9J8Q1  
Appellant: Mr Keith Parsons  
**Location: Tylagwyn, 35, Broadway, Llanblethian, Cowbridge**  
Proposal: Convert 3 bed bungalow to 4 bed dormer bungalow with creation of first floor and ground floor rear extension  
Start Date: 8 July 2024

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LPA Reference No: 2023/00711/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03384-N2G7T5  
Appellant: Mr T A Thomas  
**Location: Land to the rear of 160, Windsor Road, Penarth**  
Proposal: The erection of a storage and lock up facility with office space over  
Start Date: 19 July 2024

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LPA Reference No: 2024/00044/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03595-V1Q7P7  
Appellant: Mr John Haines  
**Location: 1, Hazledene Close, Barry**



Proposal: Retrospective application for the erection of timber close boarded fencing to protect the secure amenity space forming the primary garden area of the dwelling  
Start Date: 31 July 2024

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LPA Reference No: 2024/00213/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03606-S7N8C1  
Appellant: Mr. Rob Cheeseman  
**Location: 12, Min Y Mor, Barry**  
Proposal: Proposed new first floor room over existing lounge. Associated internal remodelling and exterior cladding. New flat roofs to existing dormers to match proposed works  
Start Date: 13 August 2024

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LPA Reference No: 2024/00154/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03446-Y7Q2W0  
Appellant: Mr Harpreet Singh  
**Location: Bambah Stores, 25-27, Ivor Street, Barry, CF62 5UL**  
Proposal: Conversion of two first floor flats to three flats  
Start Date: 19 August 2024

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(b) Enforcement Appeals Received

LPA Reference No: ENF/2023/0282/CLL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03509-W9S0C4  
Appellant: Mr Lawrence Gainey  
**Location: Land at Penrhiw Bungalow, The Downs, St. Nicholas, CF5 6SB**  
Proposal: Without planning permission, the carrying out of operational development comprising the construction of a two-storey flat roof front extension and first floor flat roof front extension to the property  
Start Date: 22 July 2024

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(c) Planning Appeal Decisions

LPA Reference No: 2023/01094/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03310-R6S8C6  
Appellant: Mr A Jones  
**Location: 1, Drylla, Dinas Powys**

Proposal: Erection of vertical timber fence to boundary  
Decision: Appeal Allowed  
Date: 28 June 2024  
Inspector: R James  
Council Determination: Delegated

### **Summary**

The main issues were considered to the effect of the proposal upon the character and appearance of the area and highway safety. The development was a closed board timber fence, which had been erected along the side boundary.

#### *Character and appearance*

The Inspector identified that due to the layout of the area, the side and rear boundaries often formed an integral part of the street scene with boundaries including a mixture of hard and soft treatments, such as hedgerows, honeycombed and solid brick walls and also painted timber fencing.

Whilst it was acknowledged that the development projected closer to Heol Y Frenhines than the appeal site's former boundary wall, it was not considered to significantly enclose the frontage area, or to be particularly incongruous or significantly harm the open frontage character of the street scene. The Inspector considered that the unpainted appearance of the fence contrasted with the darkened colours of neighbouring boundary treatments however, this visual harm could be adequately mitigated with the proposed painting of the fence to a darker colour secured by a planning condition. It was therefore concluded that that the development was not harmful to the character and appearance of the area, or contrary to the requirements of Policies MD2, MD5 of the LDP, or the objectives of the SPG.

#### *Highway safety*

The Inspector acknowledged that the development had reduced the level of pedestrian visibility when leaving the garage area but considered that vehicles leaving the garage area would likely edge out onto the highway and pedestrians would be able to stop and observe vehicles exiting the garage area before crossing. It was therefore concluded that the development was not harmful to highway safety or contrary to LDP Policy MD2.

#### *Other Matter*

It was noted that Planning Policy Wales required the submission of a green infrastructure statement (GIS) with all planning applications, the purpose of which was to enhance the quality of the built environment by integrating green infrastructure into development through appropriate site selection and use of creative design. Whilst it was acknowledged that the retention of the fence offered little opportunity to integrate green infrastructure, the Inspector considered that other biodiversity enhancement could be secured by a condition, which would meet the aim of the policy by securing biodiversity enhancement.

#### *Conclusion*

For the reasons given above and having regard to all other matters raised, the Inspector concluded that the appeal should be allowed subject to conditions.

## Costs Decision

The appellant also made an application for an award of costs against the Council however, the Inspector was satisfied that the Council had applied its judgement on the planning merits of the specific development proposed and had adequately substantiated its reasoning. Furthermore, taking the development plan as a whole, and all other material policy considerations, it was not the case that the development should have clearly been permitted. It was therefore concluded that unreasonable behaviour resulting in unnecessary or wasted expense, had not been demonstrated and the application for an award of costs was therefore refused.

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LPA Reference No:	2023/00682/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03280-G0N1C1
Appellant:	Tim Fowler
<b>Location:</b>	<b>Ty Felin Fawr, Llanmaes</b>
Proposal:	Removal of 2 dummy chimneys on house roof; this would leave 1 existing functional chimney in situ
Decision:	Appeal Dismissed
Date:	28 June 2024
Inspector:	R James
Council Determination:	Delegated

## Summary

The main issues were considered to be the effect of the proposal on the character and appearance of the area, having regard to its location in the Llanmaes Conservation Area (CA), and whether any harm would be outweighed by other material considerations. The appeal property comprised a detached dwelling located towards the southern edge of the CA and the proposal was to remove the two-storey chimneys.

The Inspector acknowledged the Conservation Area Llanmaes Appraisal and Management Plan (CAAMP) which listed the appeal property as a Positive Building – an unlisted building that made a positive contribution to the special architectural or historic interest of the CA. The appeal site and its immediate context was considered to form an important and sensitive part of the CA's traditional character and appearance.

Whilst the Inspector noted that the visibility of the whole dwelling from public vantage points along the highway was limited, its roofscape and upper elevation sections were more visible due to its two-storey height from numerous public vantage points in the area. Although the Inspector acknowledged that the two chimneys proposed for removal were non-operational, the proposal would erode the dwelling's traditional architectural merit and subsequently, its positive contribution to the character and appearance of the CA.

Although there were many residential properties within the CA which did not have chimneys, some of which were more visually prominent than the appeal property, there was nothing that would justify the identified harm. The CAAMP noted that the incremental loss of architectural detail was cumulatively eroding one of the characteristic features of the Conservation Area and concern was compounded by the proposal's harmful effects upon an identified Positive Building, to which the Inspector placed considerable weight.

There was little compelling evidence to indicate that the proposal would cause a substantial benefit to the occupants in terms of maintenance requirements, preventing leaks or improving energy efficiency. The identified harm would be significant and an overriding factor and consequently, it would be proportionate to withhold planning permission.

It was therefore concluded that the proposal would be harmful to the character and appearance of the area and would fail to preserve or enhance the character or appearance of the CA contrary to LDP Policies MD2, MD5, MD8 and SP10 and the conservation objectives of the CAAMP and the appeal was dismissed.

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LPA Reference No:	2023/00470/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03328-W8X4P8
Appellant:	Mr Shaun Cuddihy
<b>Location:</b>	<b>Brackendene, Burdonshill Lane, Wenvoe</b>
Proposal:	Proposed alterations and improvements
Decision:	Appeal Dismissed
Date:	9 July 2024
Inspector:	Helen Smith
Council Determination:	Delegated

### **Summary**

The main issue was the effect of the proposed development on the character and appearance of the area. The appeal site comprised a detached hipped roof bungalow set within spacious grounds with trees and hedgerows, with the immediate context of the appeal site having a semi-rural character. The Inspector considered that the existing bungalow had no particular architectural merit and currently had a neutral impact on its semi-rural surroundings, but the appeal site was visibly prominent and viewed in the context of the open countryside to the west.

The proposed development by reason of its design did not reflect the characteristics of the existing dwelling. Although the site would be physically capable of accommodating a large dwelling, the proposed development would include large two storey flat roof extensions that would fundamentally alter the simple and modest profile of the existing dwelling and would significantly add to its massing and bulk.

Furthermore, given its large flat roof and modernist design approach it would have a distinctly urban appearance and would appear jarring and be unsympathetic to the semi-rural character of the area. Despite the use of

natural materials such as slate and hardwood, given its prominent siting, and having regard to its scale, bulk and unsympathetic design, the proposal would result in a visually dominating and incongruous development.

The Inspector concluded that the proposed development would have a significant harmful effect on the character and appearance of the area, contrary to policy MD12 of the LDP. It would also be contrary to LDP policies MD1 and MD2 which seek to protect the countryside and ensure that development proposals are of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and the appeal was therefore dismissed.

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LPA Reference No:	2023/01282/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03434-S3K5Y0
Appellant:	Harveys Surveyors & Building Consultants
<b>Location:</b>	<b>Ringwood House, 1, Ringwood Crescent, St. Athan</b>
Proposal:	Dormer to the front elevation of the property approximately 5.4m x 1.8m
Decision:	Appeal Dismissed
Date:	1 August 2024
Inspector:	M Lowe
Council Determination:	Delegated

### **Summary**

The main issue was considered to be the effect of the development on the character and appearance of the surrounding area. The appeal site comprised a large detached dwelling, which occupied a highly visible and prominent position within the street scene. The dwelling incorporated a large two storey front gable feature which formed an important part of the character of the building and reflective of many of the other dwellings within Ringwood Crescent.

The dormer window, subject of the appeal, sat within the front roof plane of the dwelling and was clearly visible from within and outside the site. The extension was set in from the eaves and down from the ridgeline of the existing roof and the materials used in the roof and cheeks of the dormer matched the existing roof. However, the Inspector considered that these sensitive elements of the scheme were largely lost within the overall appearance of the dormer window which, owing to its scale and extensive glazed appearance, was visually dominant.

At its elevated position, the size and design of the dormer window was considered to provide the development with an appearance which was bulky, unduly prominent and which detracted from the proportions and balance of the building and caused significant visual harm.

The appeal property had received planning permission for a number of extensions and alterations, resulting in a significant amount of development at ground floor level. However, none of these affected the front roof plane of the

main building, which prior to the construction of the dormer window would have been largely unaltered from its original form and similar to many others in Ringwood Crescent.

In conclusion, the appeal scheme resulted in an incongruous, harmful relationship with the host property and harmed the distinctive character and appearance of the surrounding area in conflicts with policies SP1, MD2 and MD5 of the LDP and Residential & Householder Development SPG and the appeal was dismissed.

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LPA Reference No:	2024/00099/TPO
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03343-Y9M2D1
Appellant:	Mr Lloyd Allen
<b>Location:</b>	<b>Fairview, 6, Ringwood Crescent, St. Athan</b>
Proposal:	Work to Trees covered by TPO No.12 of 2005: Remove two black poplars (the appeal is against condition 4 for six replacement trees (Black Poplar) to be planted)
Decision:	Appeal Allowed
Date:	6 August 2024
Inspector:	R James
Council Determination:	Delegated

### **Summary**

The main issue was considered to be the effect that removing or varying the disputed condition would have to public amenity. The former trees were located within the rear garden of No. 6 Fairview (No. 6), adjacent to its side boundary and photographic evidence indicated that both trees were tall, large and mature specimens, which were highly visible from the adjacent highway, large area of green open space further to the east and longer ranging views from within the wider residential area.

The Inspector considered that prior to their removal, both of these trees would have been viewed in combination with the other numerous trees in the locality and would have contributed positively towards its verdant character. It was considered that their felling had subsequently diminished the quality of the street scene along Ringwood Crescent as well as the character and appearance of the wider area.

One purpose of a TPO was to secure a continuity of trees on a particular site for the benefit of the local environment and when felling became inevitable, a condition requiring replacement planting would secure this objective. The Inspector considered that as Black Poplar trees were a rare and declining species and considered to be the most endangered native tree in Britain, considerable weight should be placed on securing suitable replacement planting, in the interests of public amenity in the long term.

The Council had acknowledged that planting six poplar trees within the garden of No. 6 would be problematic but had indicated a willingness to consider an alternative replacement planting scheme. The Inspector did not

disagree with the Council and considered that the appellant's view that he should not have to plant any replacement trees on his land was unsubstantiated. Little evidence was provided to demonstrate that replacement tree planting would be detrimental to the existing trees on the appellant's land and no specific details of an alternative planting scheme had been submitted.

Having regard to the significant contribution that the previous Black Poplar trees made to the character and appearance of the area, the Inspector considered that replacement trees needed to be planted on the appeal property to compensate for their loss and that the disputed condition should be replaced with a new condition requiring the approval and implementation of an alternative replacement tree planting scheme in the interests of public amenity. It was therefore concluded that the appeal should be allowed and the grant of consent varied with a new condition to secure replacement planting.

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LPA Reference No:	2023/01107/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03326-V4R8J0
Appellant:	Mr John Mcilhiney
<b>Location:</b>	<b>Shop Unit, 20, Plymouth Road, Barry</b>
Proposal:	Change of use from a hairdressers (Class E) to a dwelling house (Class C3(a) Studio Apartment). The proposal involves utilising the extra space underneath the ground floor. Creating a mezzanine bedroom and splitting the apartment into 3 levels
Decision:	Appeal Dismissed
Date:	7 August 2024
Inspector:	C Sweet
Council Determination:	Delegated

### **Summary**

The main issue was considered to be the effect of the proposal on the living conditions of future occupants of the proposed studio apartment, with regard to the provision of amenity space.

The Inspector acknowledged that the justification for the amenity space requirement was that the layout and design of new development was essential for improving resident's quality of life and for ensuring a healthy and safe environment. The Council's SPG also stated that amenity space was essential and provided a number of important functions that contributed towards residents' enjoyment of a property.

The Inspector acknowledged that there was some dispute between the parties regarding the amenity space required by the SPG and considered that the actual amount of space proposed would not be so far short of the standards to justify withholding planning permission for this reason alone. However, it was considered that the quality and usability of the amenity space provided was as important as its size and that such private space should be of a

useable shape, size and topography and provide for essential functions including space for relaxation, entertainment and clothes washing and drying, among other things.

The amenity space proposed would be set below the southern elevation of the appeal property, in an excavated space near the junction of Plymouth Road and Ivor Street. It was acknowledged that the proposed screening that would partially enclose the space may prevent overlooking by passers-by at street level. However, given the position of the proposed space directly next to the pavement, the efficacy of the screening's height in providing privacy when using the space for other essential domestic functions such as clothes washing and drying and DIY would be significantly compromised. The position of the proposed amenity space would also cause it to be immediately overlooked from first and second floor windows at No 21 and those above the appeal site at No 20.

It was therefore considered that these factors would result in an extremely limited degree of privacy and a sense of being overlooked for users of the proposed amenity space that would fail to create a pleasant, usable environment. The use of the space as the sole means for private relaxation, entertainment and other essential functions would therefore be significantly inhibited, such that it would not effectively provide for the needs of future occupiers.

Whilst the proposal may comply with LDP policy in some respects, it was concluded that it would be harmful to the living conditions of its future occupants, contrary to policy MD2 of the LDP and the objectives of the SPG. It was therefore concluded that the benefits arising from the proposal would not serve to outweigh the unacceptable harm identified and that the appeal the appeal should be dismissed.

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(d) Enforcement Appeal Decisions

LPA Reference No:	ENF/2022/0192/PC
Appeal Method:	Written Representations
Appeal Reference No:	CAS-02553-Q5J6P6
Appellant:	Miss Jo-Anne Watts
<b>Location:</b>	<b>Land at Five Acres, St. Hilary, CF71 7DP</b>
Proposal:	Without planning permission, the construction of an unauthorised building and decking structure in the approximate location outlined in blue on The Plan and its occupation for residential purposes
Decision:	Appeal Dismissed
Date:	27 June 2024
Inspector:	R Jenkins
Council Determination:	Committee

**Summary**



The appeal was against an enforcement notice that was issued in relation to the construction of an unauthorised building and decking structure and its occupation for residential purposes.

*The Appeal under Ground (f) (the steps required to comply with the requirements of the Notice are excessive, and that lesser steps would overcome the objections).*

The Inspector identified that the Notices required: i) the cessation of the use of the cabin building and decking structure; ii) the demolition of the cabin building and associated decking structure; and iii) the removal of all construction materials, domestic fixtures and fittings and all other domestic items. The appellant's ground (f) argument was that the cabin building need not be demolished, but rather used as a rest room, toilet, wet weather and storage facility to be used in association with the appellant's two hectare holding which was currently occupied by up to eight horses. Reference was also made to the appellant's intention to gain planning permission for a cattery on the land.

It was identified that the requirements of the Enforcement Notice clearly sought to remedy the breach of planning control and lesser steps that would remedy that breach had not been advanced. Whilst the Inspector noted the potential to under-enforce against the demolition of the building, the planning merits of such a solution were not before him in the absence of a deemed planning application arising from an appeal under ground (a). It would, therefore, be beyond his jurisdiction to consider such matters as part of the ground (f) appeal.

The Inspector found that it had not been satisfactorily demonstrated that lesser steps would overcome the objections and that the requirements of the Notice were not excessive and that the appeal under ground (f) must therefore fail.

*The Appeal under Ground (g) (the time given to comply with the requirements of the Notice is too short)*

In this case, the Enforcement Notice required the cessation of the use within a period of six months and the relevant structures, and the associated materials and domestic items to be demolished and removed within a nine month period. The appellant had sought an extended period of compliance of twelve months for the entirety of the works.

The Inspector identified that the planning merits of the development were not before him. Nevertheless, it was clearly relevant when considering what period should reasonably be allowed to comply with the requirements of the Notice to note that the requirement to cease the residential use of the cabin would displace the current occupants and require them to find alternative accommodation. It was therefore concluded that it would be reasonable to extend the period of compliance to the requested twelve month period which would provide increased flexibility for the occupants and would better balance the competing public and private interests. It was therefore concluded that the appeal under ground (g) should succeed and that the Enforcement Notice should be varied to incorporate a 12 month compliance period, but should otherwise be upheld.

(e) April 2024 – March 2025 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (to measure performance)	<b>W</b>	9	2	11	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		9 (82%)	2 (18%)	11	-
<b>Committee Determination</b>		-	-	-	-
<b>Other Planning appeals (inc. appeal against a condition)</b>		-	1	1	-
<b>Enforcement Appeals</b>	<b>W</b>	1	-	1	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Enforcement Total</b>		1	-	1	-
<b>All Appeals</b>	<b>W</b>	10	3	13	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Combined Total</b>		10 (77%)	3 (23%)	13	-

Background Papers

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

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF SUSTAINABLE DEVELOPMENT

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 SEPTEMBER 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

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

2023/01145/TPO	A	Pendoylan Parish Church, Pendoylan Road, Pendoylan	Work to tree(s) covered by Tree Preservation Order 1972, No. 4: Reduction of branches of a churchyard yew tree overhanging pavement and carriageway
2023/01257/TPO	R	1, Maillards Haven, Penarth	Work to Tree Preservation 1988 No. 1 : T1 - Lime - Fell
2024/00321/TPO	A	Ty Llonydd, 1, Cwrt St Cyres, Penarth	Work to Tree(s) covered by Tree Preservation Order 1994, No. 7 : Potential hazard in the tree report, the proposed works are to prevent this hazard deteriorating. The removal of the ivy, reducing the risk of any failure.

2024/00414/TPO	A	Yew Tree Cottage, 17 Highwalls Road, Dinas Powys	Work to Tree(s) covered by Tree Preservation Order 1973. No. 14; T1 - Crown lift and reduction of low branches interfering with the roof to give 1.5 metre clearance.
2024/00456/TPO	A	White Oaks, Port Road, Wenvoe	Work to Tree(s) covered by Tree Preservation Order 1995, No. 9 : T1 Ash - remove, T3 - Ash - remove, T4 - Ash - remove, T1, T3 & T4 are located at Whiteoak's, Port Road and have been implicated as the cause of subsidence damage at the neighbouring property of Sunny Glenn, Port Road. Of this application.
2024/00462/TPO	A	Goldsland Walk, Wenvoe, Cardiff	Tree works covered by TPO No.8 of 2012: T2 Pendunculate Oak - low hanging branches/limbs. Primary and secondary branches to be tipped back to clear path by 2.4m height clearance; clear lighting column lamp on path by 2m. Remove arisings. T3 Pendunculate Oak- Clear lighting column lamp on path by 2m. Remove arisings. T4 Cherry species - Fell to ground; cut flat to woodland floor. T5 Pendunculate Oak - Prune to make good fractured limbs and lay flat to woodland floor. T6 - standing dead with no crown intact and adjoins the path

2024/00466/TPO	A	Ty Uchaf, Drope Road, Drope, St Georges Super Ely	Work to tree covered by TPO No.09 of 2008: T3 Fell one silver birch adjacent to metal fence at rear boundary of the property
2024/00497/TCA	A	The Butts, Cowbridge	Work to Tree(s) in a Conservation Area : Group of 8 x Ash trees to be removed to ground level.
2024/00502/TPO	A	Stepping Stones, Llancafarn	Work to Tree(s) covered by Tree Preservation Order No. 24 1973 : Removal of 1 x Ash tree (T1) Tree located on boundary with Llancafarn Primary School
2024/00506/TPO	A	22, Maillard's Haven, Penarth	T1,2 & 3 - Lime tree, reduce crowns by 30%
2024/00512/TPO	A	St Marys Well Bay Road, Penarth	Work to Tree(s) covered by Tree Preservation Order 1952, No. 6 : No -1678 Sycamore, Dead Not Tolerable, Highway Fell 2x dead stems, 0 Sycamore Dead, Not Tolerable Highway Fell 1679 Sycamore Dead x 8 stems Not Tolerable Highway Fell x 8 stems 0 Sycamore Dead Not Tolerable Highway Monolith at 4m
2024/00532/TCA	A	Ty Caredig, Old Farm Mews, Dinas Powys	Work to tree in Dinas Powys Conservation Area: Reduce the crown by 1.5m and prune side branches by up to .05m. The tree is a prunus Amanogowa (Columnar Cherry) located in a small courtyard area.

2024/00536/TCA	A	Eagle Cottage, Eagle Lane, Cowbridge	Work to Trees in a Conservation Area: T1- Sycamore Crimson King - Reduce by 30% to old pollard points T2- Willow- remove
2024/00547/TPO	A	St Peter's Church, Mill Road, Dinas Powys	Work to Tree(s) covered by Tree Preservation Order 1954. No. 2: Proposed works: Removal of one tree due to progressive disease. Trees affected : Ash tree with Ash Dieback as per enclosed description of works. The affected tree is located to the west of the church grounds, to the rear of the church hall as per plan.
2024/00550/TCA	A	Bron-y-graig, Wick Road, St Brides Major	Work to Trees in a Conservation Area: Please see attached tree survey
2024/00568/TCA	A	4 Stanwell Road, Penarth	Work to Trees in Penarth Conservation Area: Crown lift tree A1 (Lime tree). Fell tree A2 (Lime tree). Remove wisteria for Oak tree at marked C and removal of epicormic growth on trunk and lower canopy on Chestnut tree marked B.
2024/00569/TCA	A	Meadow House, Factory Road, Llanblethian, Cowbridge	Work to Trees in Llanblethian Conservation Area: Group of 4 Ash - Fell all to ground level, please refer to survey
2024/00579/TPO	A	Parc Newydd, Bonvilston	Work to Tree(s) covered by Tree Preservation Order No.11, 2000: Removal of Dead tree, likely to have been a blue atlas cedar. T1 - cedar

2024/00587/TCA	A	10, Birch Grove, Barry	Work to Trees in Barry Marine Conservation Area: T1 - Cherry fell to ground level T2 - Apple crown reduce by 2 metres
2024/00588/TPO	A	Land at Campbell Court, St Nicholas	Work to Tree covered by TPO No.05 of 1972: Cutting back of unsafe branches due to tree rot, one tree at the entrance of the land next to neighbouring fence
2024/00599/TCA	A	Beechcroft, Llancafán, Barry	Work to Tree in Llancafán Conservation Area: T1 - Removal of one Hawthorn Tree
2024/00624/TPO	A	Parkmount, Bridgeman Road, Penarth	Work to Tree(s) covered by Tree Preservation Order 2012, No. 3: 1T5; Macracarpa, front boundary - Fell to ground level.
2024/00627/TPO	A	St Canna Church, Llangan	Work to Tree(s) covered by Tree Preservation Order 2015, No. 2: X3 Ash Trees and X1 Beech Tree to be removed by climbers using rope and harness for access. material to be removed from site and replacement trees planted.
2024/00639/TCA	A	Old Malthouse, West Street, Llantwit Major	Work to Trees in a Conservation Area: Fell three sycamore trees in rear garden

2024/00683/TPO	A	Great House, A48 Bonvilston, Bonvilston	Work to Tree covered by TPO No.8 of 1973: T1 Holm oak - Coppice tree back to previous points as recommended on arboricultural report. Due to decay of original coppice stool which could have significant effect on the trees structural integrity
2024/00690/TCA	A	Ty Gadlys, Llanmaes, Llantwit Major	Work to tree in Llanmaes Conservation Area: Fell and remove one Bramley apple tree in back garden
2024/00699/TCA	A	Castle Bungalow, Peterston Super Ely	Work to Tree in Peterston Super Ely Conservation Area: Reduce canopy of overgrown tree to front of property by 50%



THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 26 SEPTEMBER 2024

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5.(a) ENFORCEMENT ACTION

LAND AND BUILDINGS AT DYFFRYN SPRINGS, ST. LYTHANS ROAD, DYFFRYN

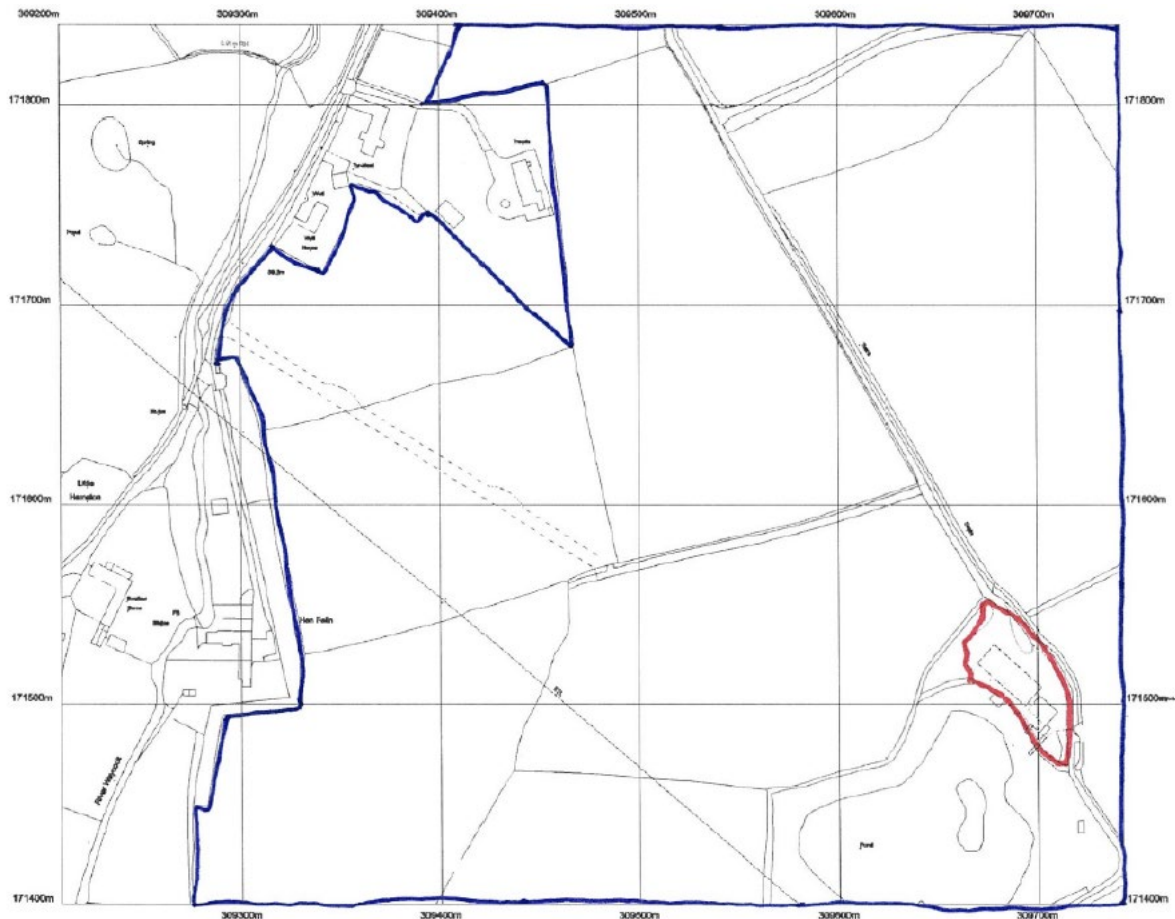
Executive Summary

This report seeks authorisation to issue an Enforcement Notice under section 172 of the Town and Country Planning Act 1990 (as amended) in respect of a permanent marquee erected within Dyffryn Springs, St Lythans Road, Dyffryn for the purpose of hosting wedding and entertainment functions. The marquee in question has white vinyl/plastic roof and elevations, with a largely glazed elevation facing the lake (south west elevation).

The report recommends that as the marquee is considered to have an unacceptable visual impact upon the SLA, an Enforcement Notice is issued requiring the removal of the building from the land in question. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

Background

1. A complaint was received by the Local Planning Authority on 18 January 2023, regarding the erection of an unauthorised building at Dyffryn Springs, St. Lythans Road, Dyffryn.
2. The site relates to Dyffryn Springs, a wedding venue and fishery located to the south of Home Farm, Dyffryn. The site is situated within the countryside as identified in the Vale of Glamorgan Local Development Plan (LDP). The site also lies within the Dyffryn Basin and Ridge Slopes Special Landscape area (SLA).
3. The access for the site is located within a C2 Flood Risk Zone, as well as a Sand and Gravel Category 2 Minerals Reserve. To the immediate south of the existing building lies the Dyffryn Golwch SINC, whilst further to the north are the Doghill Moated Scheduled Ancient Monument and the Dyffryn Gardens Historic Park. It is also noted that there are a number of residential properties located near the recently developed new access and track, including 'Well Cottage' which lies to the north, and is a thatched Grade II listed building.
4. A site location plan has been provided and included below.



5. A full application was submitted on 5 April 2023 for the permanent retention of the building in question for wedding and entertainment functions. This application was subsequently refused on 18 March 2024 by virtue of its harmful design and unacceptable visual impact upon the SLA. Therefore, the development remains unlawful and in breach of planning control.
6. At the time of writing this report, the building in question has not been removed.

### Details of the Breach

7. Following an initial site inspection, it was noted that a large marquee had been erected permanently for the purpose of holding wedding functions without the benefit of planning permission. The marquee in question has a footprint of 12mx33m, with a smaller 'porch' like area measuring approximately 6mx9m, with an eaves height of 3m and a main ridge height of 5m. The highest point of the marquee reaches 6m tall in the 'porch' like section, whilst the remainder is approximately 5m tall. The marquee is finished in a white vinyl/plastic roof and elevations, with a largely glazed elevation facing the lake (south west elevation).

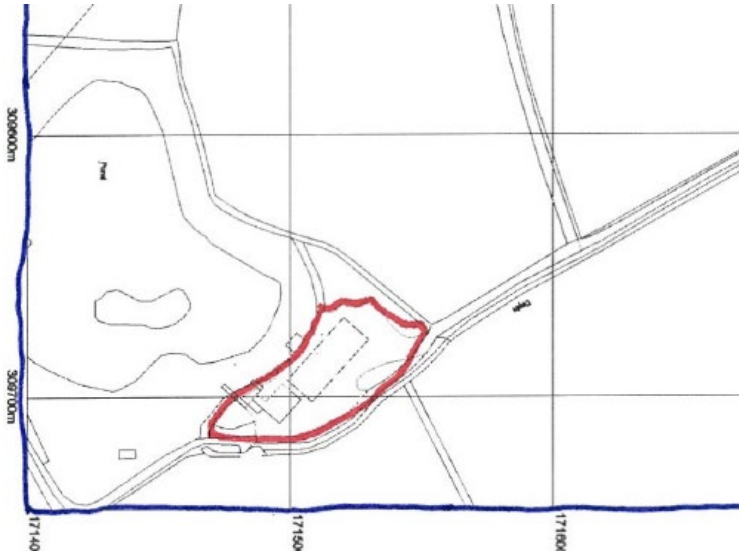
*Photographs from site visits:*







8. The erection of a permanent marquee for wedding and entertainment purposes does not constitute permitted development as identified by the Town and Country Planning (General Permitted Development) Order (amended) 1995. Therefore, the building in question requires full planning consent from the Local Planning Authority. Although a planning application was submitted in an attempt to regularise the development in April 2023, the application was subsequently determined and refused. Therefore, the marquee in question remains unlawful and in breach of planning control.
9. Satellite imagery has confirmed that the current building in question was built within the last 4 years, after September 2021 and information submitted within the full application (ref 2023/00374/FUL) states that the current marquee was erected in March 2022.
10. Further to this, the current building extends beyond the area lawfully used for wedding and entertainment functions as can be seen in the site location plan provided below. Therefore, the development technically constitutes an unauthorised change of use.



### Action Pursued to Date

11. An initial email was sent to the company address of Dyffryn Springs on 2<sup>nd</sup> February 2023 to arrange a site visit and examine the building. Following correspondence with the owner, a site meeting was held on 1<sup>st</sup> March 2023 where access was gained to the site and the inside of the building in question. Discussions regarding the use of the building and the history of the site took place. It was confirmed during this site visit that a previous marquee had been erected on site for a number of years facilitating the wedding venue business, however it was replaced by the current, larger building.
12. A follow up email was sent to the owner on 9<sup>th</sup> March 2023 confirming that the building requires consent from the Local Planning Authority. The owner was therefore advised to submit a full application in an attempt to regularise the development. It was noted that planning permission may not be granted for the building. The owner of the site subsequently confirmed that an application would be submitted to the Local Planning Authority. A full planning application was received by the Council's Planning Department on 5<sup>th</sup> April 2023.
13. An email was sent to the owner on the 30<sup>th</sup> August 2023 confirming that there may be some concerns relating to the acceptability of the application. The application was subsequently refused on 18 March 2024 by virtue of its unacceptable visual impact.
14. There has been no further indication that the owner is willing to remove the building at the time of writing this report.

### Planning History

15. The site benefits from the following planning history:
  - 1991/00430/FUL - New access road to farm - Approved 26 July 1991.

- 2000/00652/FUL, Address: Field 5644, Home Farm, Dyffryn, St. Nicholas, Proposal: Single storey fishing amenity building with associated childrens play area, car parking and access road, Decision: Refused for the following reason:
  1. The proposal represents an unacceptable scale and form of development in an attractive open countryside location and would therefore be contrary to Policies EV3; EV19; LT16 of the Adopted South Glamorgan Structure Plan 1989 and Policies ENV1; ENV25; EMP8 and TOUR5 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998.
  
- 2001/00760/FUL, Address: Home Farm, Dyffryn, St. Nicholas, Proposal: Use of lakes for fishing with associated amenities building, car park and access, Decision: Approved subject to conditions, including, landscaping; restriction on hours; drainage; car parking; and restriction on external illumination.
  
- 2002/00495/FUL, Address: Dyffryn Springs, Home Farm, Dyffryn, St. Nicholas, Proposal: Two additional lakes for angling purposes, with associated disabled car parking and access track, Decision: Approved subject to conditions, including, landscaping; cross sections of track and car parking; restriction on hours to between 7.30am to one hour after dusk; and restriction on external illumination.
  
- 2003/01078/FUL - Retention of A1 Garden Centre use at Dyffryn Springs Nurseries - Approved 13 November 2003 subject to conditions, including temporary consent to 30 September 2005; and restricted to plant sales only.
  
- 2006/01660/FUL - Retention of A1 Garden Centre use at Dyffryn Springs Nurseries - Approved 31 January 2007 subject to conditions, including temporary consent to 2 February 2008; and restricted to plant sales only.
  
- 2008/00395/FUL, Address: Dyffryn Springs, Home Farm, Dyffryn, Proposal: Extension of toilets to comply with disability regulations, Decision: Approved
  
- 2008/00788/FUL - Proposed permanent continuation of A1 use at Dyffryn Springs Nursery - Approved 5 August 2008 subject to conditions, including restriction on sale of plants only; and removal of permitted development rights for any change of use.
  
- 2009/00668/FUL, Address: Dyffryn Springs, Home Farm, Dyffryn, Proposal: Temporary permission for a period of 36 months for the erection of a marquee for the months of May to September in any calendar year, Decision: Approved

subject to conditions, including, temporary period of four months in each calendar year and for a maximum total of 12 months or three years, with the marquee not being erected before 1 May and removed from the site on or before 30 September every year until 1 September 2012; and details of the restoration of the site.

- 2012/00364/FUL, Address: Dyffryn Springs, Dyffryn, Proposal: Extension of existing building to provide a club room for fishermen along with a new decked terrace and service compound. Refurbish remainder of building as a wedding venue, Decision: Approved subject to conditions, including, restriction on use for primary purpose of fishery business with wedding functions and other D2 use to be ancillary; matching external finishes; further details of means of enclosure of the service compound; no external illumination; and details of landscaping.
- 2015/00725/1/CD, Address: Dyffryn Springs, Home Farm, St. Lythans Road, Dyffryn, Proposal: Discharge of conditions 5-landscaping, 7-access gates, 9-engineering details bridging of watercourse, Decision: Approved
- 2015/00725/1/NMA, Address: Dyffryn Springs, Home Farm, St. Lythans Road, Dyffryn, Proposal: Widening of entrance splay and red line area to accommodate the required swept path analysis for coaches entering and existing the wedding venue at Dyffryn Springs, Decision: Approved
- 2015/00725/FUL, Address: Dyffryn Springs, Home Farm, St. Lythans Road, Dyffryn, Proposal: Construction of new access track and variation of Condition 2 of planning permission 2012/00364/FUL to remove ancillary restriction on wedding functions (NMA), Decision: Approved subject to conditions, including, restriction of use to fishery and wedding venue; no external illumination; landscaping; details of access gates; hedgerow protection; and engineering details of bridge.
- 2015/01378/SC1, Address: Home Farm, Dyffryn, Proposal: Solar farm, Decision: Environmental Impact Assessment (Screening) - Not Required
- 2017/00328/FUL, Address: Dyffryn Springs, St Lythans Road, Dyffryn, Proposal: Construction of a building to serve as a wedding venue, Decision: Approved subject to conditions, including, restriction of use to existing Dyffryn Springs fishery and wedding venue businesses; restriction on external illumination; details of surface water drainage; and a Construction Environmental Management Plan.
- 2018/01232/FUL, Address: Dyffryn Springs, St. Lythans Road, Dyffryn, Proposal: Construction of a two storey building with a wedding venue function, Decision: Approved subject to conditions, including, restriction of use to existing Dyffryn Springs fishery and wedding venue businesses; restriction on external illumination; details of surface water drainage; and a Construction Environmental Management Plan.
- 2023/00922/ADV, Address: Dyffryn Springs, St. Lythans Road, Dyffryn, Proposal: Entrance Sign, Decision: Approved.
- 2023/00374/FUL, Address: Dyffryn Springs, St Lythans Road, Dyffryn, Proposal: Retention of replacement marquee for wedding and entertainment functions, Decision: Refused.



## Planning Legislation

20. Section 173 of the Town and Country Planning Act 1990 states that in relation to the contents and effect of an enforcement notice:

(3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.

(4) Those purposes are –

(a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or

(b) remedying any injury to amenity which has been caused by the breach.

(5) An enforcement notice may, for example, require –

(a) the alteration or removal of any buildings or works;

(b) the carrying out of any building or other operations;

## Policy and Guidance

### **Local Development Plan:**

16. 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 SP9 – MINERALS

POLICY SP10 – BUILT AND NATURAL ENVIRONMENT

POLICY SP11 – TOURISM AND LEISURE

#### *Managing Growth Policies:*

POLICY MG17 – SPECIAL LANDSCAPE AREAS

POLICY MG21 – SITES OF IMPORTANCE FOR NATURE

CONSERVATION, REGIONALLY IMPORTANT GEOLOGICAL AND

GEOMORPHOLOGICAL SITES AND PRIORITY HABITATS AND SPECIES

POLICY MG22 – DEVELOPMENT IN MINERALS SAFEGUARDING AREAS

POLICY MG29 – TOURISM AND LEISURE FACILITIES

#### *Managing Development Policies:*

POLICY MD1 - LOCATION OF NEW DEVELOPMENT

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

POLICY MD7 - ENVIRONMENTAL PROTECTION

POLICY MD8 - HISTORIC ENVIRONMENT  
POLICY MD9 - PROMOTING BIODIVERSITY  
POLICY MD13 - TOURISM AND LEISURE  
POLICY MD17 - RURAL ENTERPRISE

### **Planning Policy Wales:**

17. National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the matters considered in this report.
18. 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.
19. The following chapters and sections are of particular relevance in the assessment of this planning application:
20. 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)
21. Chapter 3 - Strategic and Spatial Choices
  - Good Design Making Better Places
  - Promoting Healthier Places
  - Placemaking in Rural Areas
  - Previously Developed Land
  - The Best and Most Versatile Agricultural Land
  - Development in the Countryside (including new housing)
  - Managing Settlement Form –Green Wedges
22. Chapter 4 - Active and Social Places
  - Transport
  - Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings )
  - Activities in Places (retail and commercial development)
  - Recreational Spaces
23. 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:**

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

- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- 

*2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.*

*4.3 The local context comprises the characteristics and setting of an area in which a development is located. This includes the area's natural and human history, the forms of settlements, buildings and spaces; its ecology and archaeology; its location and the routes and waterways that pass through it. Understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response, and is the responsibility of all those involved in the design process, particularly planning applicants and their agents and those formulating and implementing design policy and guidance. Further guidance on appraising context can be found in Site & Context Analysis Guide: Capturing the value of a site<sup>6</sup>.*

*4.8 Appraising "character" involves attention to topography; historic street patterns, archaeological features, waterways, hierarchy of development and spaces, prevalent materials in buildings or floorscape, architecture and historic quality, landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements).*

- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

### **Supplementary Planning Guidance:**

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

- Biodiversity and Development
- 
- Design in the Landscape

### 5.7. Landscape

*5.7.1. The landscape impact of new development proposals should form an early part of design considerations and include elements such as location, scale, orientation as well as new and existing landscaping. Proposals should seek to complement and enhance key landscape features including long views and open spaces. In sensitive coastal and rural locations such as the Glamorgan Heritage Coast and Special Landscape Areas, it is important that developments are well integrated into the landscape. It should be noted that a Landscape and Visual Impact Assessment will be required for any development that is likely to have a considerable impact on landscape character or have a significant visual effect within the wider landscape (by virtue of its size, prominence or degree of impact on the locality) and should be prepared in accordance with the latest Landscape Institute and the Institute of Environmental Management and Assessment Guidelines. Further advice is available in the Design in the Landscape SPG.*

- Economic Development, Employment Land and Premises (2023)
- Minerals Safeguarding (2018)
- Model Design Guide for Wales
- Parking Standards (2019)
- Tourism and Leisure Development (2019)

26. In addition, the following background evidence to the Local Development Plan is considered relevant insofar as it provides a factual analysis and information that is material to the issues addressed in this report:

- Agricultural Land Classification background paper (2015) (Also see LDP Hearing Session 1 Action Point 12 response)
- Designation of Landscape Character Areas (2013 Update)
- Designation of Special Landscape Areas (2013 Update)
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update)
- SLAs Integration with Adjoining Local Authorities (2013 Update)

**Other relevant evidence or policy guidance:**

- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

### **Well Being of Future Generations (Wales) Act 2015:**

27. 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

28. National planning guidance advises that when deciding whether to take enforcement action, the principal issue for the Council should be whether the unauthorised development would have an unacceptable effect on public amenity or the existing use of land and building meriting protection in the public interest and in all cases, the Council is required to consider the expediency of taking action. Enforcement action should not be pursued simply to regularise development which is otherwise acceptable in planning terms and is likely to be granted permission.
29. The main issues which are relevant to the consideration of this case is the principle of development, the visual impact of the marquee and the planning history of the site.

#### Background and Planning History

30. As highlighted within this report, there is considerable planning history attached to the site and the building in question. Of most relevance, is the 2009 consent (referenced 2009/00668/FUL) for the siting of a marquee on the land for a temporary period of 36 months, and the most recent refusal for the retention of the current marquee in question (referenced 2023/00374/FUL).

31. The 2009 application (ref 2009/00668/FUL) was approved with the imposition of a permitted period of a condition (Condition 1) where the marquee could only be erected for four months only, within in each calendar year and for a maximum total of 12 months or three years and the marquee shall not be erected before 1 May and be removed from the site on or before 30 September every year until 1 September 2012. This consent for the erection of the marquee was temporary only and as such, on 1 September 2012 the consent ceased and details for the restoration of the site, secured under Condition 2 should have been submitted, within 1 month of the cessation of the use of the site. However, it is noted from the planning history that this did not happen. However, it is noted that the marquee forming the basis of this report differs from the one previously granted consent in application 2009/00668/FUL.
  
32. In 2012 (ref. 2012/00364/FUL) planning permission consent was provided to carry out works to an existing fishing building, which included refurbishment of part to be used for weddings. This consent was later followed by 2015/00725/FUL which received granted permission, partly, for amending a condition to recognise that the wedding use was not an ancillary use to the fishing business.
  
33. In 2017 (ref. 2017/00328/FUL) planning permission was granted for a new building to serve as a wedding venue, which was later replaced with the consent for 22018/01232/FUL for a building for the same uses, albeit the design varied. Neither of these consents have been implemented.
  
34. Most notably, the refusal of planning permission for the current marquee in application 2023/00374/FUL is most significant to this report. The application was refused, mainly due to the marquee's visual impact upon the SLA. Therefore, the marquee in question has been assessed in full by the LPA prior to the writing of this report, and has been considered to have an unacceptable and detrimental visual impact on the Dyffryn Basin and Ridge Slopes Special Landscape Area as well as the wider countryside. The considerations within the Officer's refusal are therefore included throughout this report, particularly with regard to the design and visual impact of the development.

### Design and Visual Impact

35. Policy MD2 (Design of New Development) 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;*

36. In addition, policy MD1 (Location of New Development) states that development should have no unacceptable impact on the countryside (criterion 1).
37. As aforementioned, the marquee is situated within a Special Landscape Area (SLA) and as such, policy MG17 (Special Landscape Areas) is of relevance which states that development proposals within SLAs will be permitted only *“where it is demonstrated they would cause no unacceptable harm to the important landscape character of the area.”*
38. As previously outlined in this report, the current marquee in question which has been in situ since March 2022 (as per the dates provided on application form ref. 2023/00374/FUL) differs from the marquee previously temporarily allowed under planning permission ref. 2009/00668/FUL. The marquee approved under 2009/00668/FUL was stated to measure 30m (w) x 10m(d) x 3.9m(h), whereas the marquee within the current application is some 2m wider at 12m and 3m longer at 33m and some 1.1m higher, in addition to the central turret porch feature on the north east elevation which is some 6m high. As such when compared to the previous approved marquee, The current marquee is larger in both footprint and height and contains more “ornamental features”.
39. The officer consideration for the temporary consent previously granted for a marquee in 2009 (ref 2009/00668/FUL) is still to be of material weight in the assessment of this application given that there has been little material change in the landscape characteristics of the context and setting of the site. In the Officer’s report, the following was stated:

*“The marquee has a white PVC coated polyester textile cover, and is relatively visible in the surrounding rural environment which consists of open countryside and Special Landscape Area. As the Dyffryn Basin Special Landscape Area is characterised by gently sloping fields, this offers little natural screening to the development. However the marquee has been best sited to minimise its impact on the surroundings, being located next to the existing fishing building and adjacent to the car parking for the fishing facilities. It is also worth noting that the structure is very much temporary in nature and will be taken down at the end of any authorised period. Furthermore, the proposal is associated with an existing business and farm diversification project. Policy EMP7 contains specific criteria regarding such developments and in general supports schemes which do not harm the character of the countryside and have no unacceptable impacts.*

*Nevertheless it is considered that the marquee by virtue of its location, scale and appearance does have an impact on an area of attractive landscape for the period it is erected. It is noted that the applicant has requested that the marquee is erected for a period of up to 5 months in the summer and for a total of 36 months overall. However is given its large size and visible nature such a period would have a sustained impact on an area of attractive landscape and should be resisted. In this respect the retention of the marquee for a significant period would be contrary to Policies ENV1, ENV4, ENV10, ENV11 and ENV27.”*

40. Therefore, the fact that the 2009 application was approved on the strict basis that the marquee was only erected on a short-term basis by virtue of its visible nature is an important consideration when assessing the visual impact of the current larger, permanent marquee. In particular, the reason given for the temporary nature of the consent was stated as being:

*To enable the Local Planning Authority to properly control the erection of the temporary building and because the development would not be acceptable save for the fact it is temporary and removed from the site.*

41. The marquee was noted as having “a sustained impact on an area of attractive landscape” and as such, its retention “for a significant period of time would be contrary” to policies. It should be noted that whilst the Unitary Development Plan (UDP) has now been replaced with the Local Development Plan (LDP), the overarching policies, such as protection of the countryside and Special Landscape Areas (SLA’s) are still of relevance and the same sentiment is set out within the most up to date Planning Policy Wales (Edition 12).

42. It is also noted that in the 15 years since the approval of the 2009 application, there have been no significant developments or alterations etc. that have impacted upon the overall character of the SLA. Whilst it is understood that an application is currently registered with PEDW for a large solar farm within the immediate vicinity, this application is at very early stages and as such, given the lack of any formal decision, no weight can be given to the application in the consideration of the marquee proposals in respect of any committed development.

43. The footprint of the older marquee is clearly shown in the satellite image below, taken in December, 2009:





44. Whilst planning permission was only granted for the marquee for a temporary period, which would have expired in 2012, the marquee is evident in the following aerial image, taken April, 2019.



45. However, in March 2022, the current marquee which forms the basis of this report was erected, as can be seen in the aerial image below.



46. These aerial images demonstrate that, although the previous marquee is similar in terms of colour and design, the current marquee differs in structure and is greater in scale than the one previously in situ. The current marquee is also permanent, which was recognised in the assessment of the 2009 temporary consent as having a sustained impact on an attractive landscape.
47. In the 'Designation of Special Landscape Areas' background paper (2013) for the LDP, the Upper and Lower Thaw Valley SLA states the following on primary landscape qualities and features:

*"The SLA is dissected by the Thaw River valley. To the north, the area is sparsely settled with small villages and several farms. The generally open landscape has high intervisibility and overlooks Bridgend, bordering the M4, and colouring the perception of the area. Mynydd Maendy wind farm to the north also has a visual impact on the sense of place. There are a number of pleasant views to well-managed fields and wooded areas, but these are affected in places by gappy hedgerows and housing development. Trees and hedgerows are declining in the area but introducing blocks of broadleaf woodland would help to integrate settlement, whilst future development should be restricted in widely visible areas. The dramatic valley form has distinctive steep wooded slopes and a strong sense of place and is relatively uncommon. It is enclosed by a plateau landscape and has a strong relationship with Cowbridge. The SLA boundary excludes Cowbridge, the suburbs of which are eroding the rural character. The town centre areas of historic and aesthetic value are protected by Conservation Area status.*

*The valley to the south is a confined, sinuous lowland valley with steep wooded sides and hedgerowed field valley floor with streams and wet ditches contributing to biodiversity. The strong valley, semi-natural and planted broadleaf woodland, and juxtaposition with valley settlements is very attractive and one of the best examples of this landscape in the Vale. Woodland is fragmented in places and linkages should be created by pursuing the Forestry Commission's Woodland Grant Scheme and Native Woodland Plans. Elsewhere the landscape is rolling lowland with some views out to the coast."*

48. The site is located in the south-west of the SLA and as such, the southern area of the designation is characterised as having lowland valleys with steep wooded sides and is later referenced as being one of the best examples of this landscape in the Vale in terms of the attractiveness of valley settlements etc. Indeed, it is recognised that the position of the site, within a valley, increases the overall visibility of the marquee from wider views within and adjacent to the SLA.
49. A Development of National Significance (DNS) application has recently been validated by PEDW for a solar farm, application reference DNS CAS-02112-T2N0G8. This application, at the time of writing this report, is still at consultation phase and as yet, a decision is yet to be issued. Dyffryn Springs is located within the site of the proposed solar farm. A Local Visual Impact Assessment (LVIA) has been submitted with the DNS application, which includes views of the marquee within its viewpoints.
50. The following images LVIA would have been prepared based on an accepted methodology and is a tool used to systematically identify and assess the nature and significance of the effects of a proposed development on the landscape as an environmental resource and on people's views and visual amenity.
51. The LVIA shows that the marquee is visible from a number of public viewpoints within the wider landscape and include a range of images taken from Google Streetview, the Officer and also from within the aforementioned LVIA assessment.
52. An unnamed road from the A4226 (Five Mile Lane), adjacent to Northcliff Cottage shows a distant view of the marquee. This is shown in the following image from Google Street taken in March 2023 (marquee is centre of image):



53. The same viewpoint is shown below, in February 2024, taken by a Planning Officer:



54. The following image forms part of the LVIA for the Parc Worlton solar farm:



55. The following image also shows the marquee from footpath W2/3/1, to the south of the application site, in proximity to Old Wallace Farm, taken February 2024 by a Planning Officer:



56. The following images form part of the LVIA submitted for the Parc Worlton solar farm DNS application and have been taken at locations along the same footpath:



57. The following image shows the marquee from a footpath off Highlight Lane, W2/2/1 taken July 2023:



58. The following image has been taken from the LVIA submitted with the Parc Worlton solar farm DNS application and shows the marquee from a rural lane, east of the A4226:



59. It is evident from the images that in particular the white (generally glossy) material for the marquee roof and walls results in a white building that sits in stark contrast within the rolling green landscape and its position within a valley ensures that it is highly visible from both close and distant views as evidenced above.

60. In addition to the visibility during daylight hours, the marquee, when in use, based on the potential for it to be used during shorter daytime hours, is likely to be used in some months or into the evening where there is a requirement for the marquee to be lit. In particular, the marquee is largely glazed along the south-west elevation and the majority of the roof in the event area allows light transmission. This is evidenced in the image below and as such when used at night, the illumination of the building and associated incidental light spill surrounding the building would exacerbate the impacts over and above the aforementioned impacts during the daytime.



*Marquee at night – Source <https://dyffrynsprings.co.uk/ourweddingsgallery>*

61. Given the light spill and the fact that the roof would be illuminated, the overall impact of the marquee on the landscape is significant, both day and night, noting how visible the structure would be within the landscape. In light of the above images and the defined character of the SLA, it is considered that the marquee, due to its size and in particular its material, would appear as an alien feature that would not be well integrated into or reflect the special qualities of fails to sympathise with the character of the SLA and it detrimentally impacts upon the views both within and towards the wider SLA. As it has not been demonstrated that the development would not cause no unacceptable harm to the important landscape character of the area, it has to be concluded that the development is, contrary to policy MG17 (Special Landscape Areas) of the LDP.



62. During the application stage, the owner of the site was approached regarding the colour of the marquee as it was considered that the white colour of the roof, for the reasons set out above, in particular exacerbates its prominence in the landscape and its visual impact. The owner confirmed that no other colour can be provided and that the white is for practical reasons as it assists with ensuring the marquee reflects the sun and ensures no overheating. Whilst this is noted, it is considered that such justification for this colour does not override the concerns with regards to visual impact.
63. Taking the above into consideration, whilst it is recognised that a marquee has previously received consent, this was on a temporary basis only from 2009 to 2012. In the 2009 application, the Officer noted that consent was sought for up to 5 months and for a total of 36 months overall, however this was not allowed and the period was restricted even further, noting that *“given its large size and visible nature such a period would have a sustained impact on an area of attractive landscape and should be resisted.”*
64. The overall character of the area and wider SLA has not been altered since the granting of the previous consent. Given that it was recognised that a marquee being erected for more than 5 months over a period of 36 months would be harmful, a larger marquee in situ on a permanent basis would result in a harmful impact on the SLA and wider countryside on a permanent basis. Whilst it is recognised that a marquee has been in situ without formal consent, a period of lawfulness has not been established and this is not considered as justification for unacceptable development.
65. Therefore, given the high visibility of the marquee, its location within an attractive Dyffryn Basin and Ridge Slopes Special Landscape, the marquee as erected is considered to constitute an alien feature that would not be well integrated into or reflect the important landscape character of the Dyffryn Basin and Ridge Slopes Special Landscape Area and the wider countryside as it detrimentally impacts upon the views both within and towards the wider SLA. The development is therefore contrary to policies MG17 (Special Landscape Areas), criterion 1 of MD1 (Location of New Development, criterion 3 of SP10 (Built and Natural Environment) of The Vale of Glamorgan Adopted Local Development Plan 2011-2026 and paragraph 2.6. TAN12- Design.
66. The proposal would also be at odds with the Tourism and Leisure Development SPG which states in paragraph 5.7.1 that:

*“..... In sensitive coastal and rural locations such as the Glamorgan Heritage Coast and Special Landscape Areas, it is important that developments are well integrated into the landscape .....”*

## Principle of Development

67. The main concerns relating to the development are mainly based on the visual impact of the building. However, there is no objection, to the principle of a wedding venue at the site, which has clearly been accepted by virtue of the approval of the 2017 and 2018 planning applications for a permanent building in place of a temporary marquee.

## Conclusions

68. Whilst it is acknowledged that the site benefits from historic planning approval for the erection of a temporary marquee, this consent was primarily granted on the basis that it would be in place no more than 4 months per year over a 36-month period to mitigate and control its visual impact. Therefore, the installation of a larger, permanent marquee of a similar design, results in an unacceptable, incongruous structure in the countryside, causing a detrimental impact upon the SLA.

69. The white glossy appearance of the marquee coupled with its significantly visible location within the Dyffryn Basin and Ridge Slopes Special Landscape Area is considered detrimental to the surrounding rural character of the area and wider landscape. The white design of the marquee results in a stark contrast which does not fit well into the landscape, and negatively affects outward and inward views to the SLA. The development is therefore considered to conflict with policies The proposal is therefore considered contrary to policies MG17 (Special Landscape Areas), MD1 (Location of New Development, criterion 1) and SP10 (Built and Natural Environment) of The Vale of Glamorgan Adopted Local Development Plan 2011-2026 and TAN12- Design and the advice within the Tourism and Leisure Development SPG.

70. In view of the issues identified in the paragraphs above, it is considered expedient to pursue enforcement action to require the removal of the building.
71. 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)

72. 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)

73. 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).
74. 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)

75. 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) Demolish the marquee.
  - (ii) Remove from the land all items and materials resulting from the taking of step (i).
- (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 consisting of the construction of a rectangular marquee, has occurred within the last 4 years.
- (2) The white glossy appearance of the marquee coupled with its significantly visible location within the Dyffryn Basin and Ridge Slopes Special Landscape Area is considered detrimental to the surrounding rural character of the area and wider landscape. The white design of the marquee results in a stark contrast which does not fit well into the landscape, and negatively affects outward and inward views to the SLA. The development is therefore considered to conflict with policies The proposal is therefore considered contrary to policies MG17 (Special Landscape Areas), MD1 (Location of New Development, criterion 1) and SP10 (Built and Natural Environment) of The Vale of Glamorgan Adopted Local Development Plan 2011-2026 and TAN12-Design and the advice within the Tourism and Leisure Development SPG.
- (3) There has been no further indication that the building will be removed at the time of writing this report.

- (4) 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/2023/0008/PC

Contact Officer - Madlen Evans, Tel: 01446 704

Officers Consulted:

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

**IAN ROBINSON  
HEAD OF SUSTAINABLE DEVELOPMENT**

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **26<sup>th</sup> September 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

5.(b) ENFORCEMENT ACTION

LAND AND BUILDINGS AT 12, CHAPEL CLOSE, DINAS POWYS

EXECUTIVE SUMMARY

This report seeks authorisation to serve an enforcement notice in relation to a raised platform which has been constructed to the rear of 12, Chapel Close, Dinas Powys, without planning permission. It is considered that construction of a raised platform within the rear garden enables unrestricted views into the windows and gardens of neighbouring properties, resulting in an unacceptable loss of privacy and thereby resulting in a loss of residential amenity.

It is therefore also considered expedient to serve an enforcement notice as the development fails to safeguard residential amenity. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

Background

1. A complaint was received by the Local Planning Authority on 22<sup>nd</sup> June 2023, relating to the raising of the ground level to the rear garden at 12, Chapel Close, Dinas Powys, and that an outbuilding had also been erected within the rear garden of the property.
2. The property is a semi-detached dwelling within the Dinas Powys settlement boundary. The rear garden has been split into two tiers. The top tier of the garden turfed in artificial grass is approximately 1m above the lower patio terrace. However, in order to make the patio level, the lower tier has been dug into the slope. When measured on site, the top tier is approximately 600mm above the original ground level, which was measured from the bottom of the fence posts on either side. The shed is located at the top of the garden and adjoins the rear party boundary.

Details of the Breach

3. Following an initial site inspection, it was established that the top tier of the rear garden had been raised by approximately 600mm above the original ground level. This therefore exceeds the height limit of up to 300mm above the ground immediately below allowed for raised platforms without the need to obtain planning permission, as permitted by Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as

amended). Photographs of the garden prior to being tiered and following the completion of the work showing the raised platform are included below.

**Garden prior to being tiered – taken from Rightmove, as previously listed in December 2021.**



**Finished raised platform.**



4. By removing the decking and cutting into the slope of the land to create the patio, the lower tier has not been raised. Furthermore, the shed erected to the rear already existed prior to the works to tier the garden and does not exceed 2.5m in height in any case. Therefore, the outbuilding is permitted development and the only remaining breach relates to the fact part of the top tier, nearest the retaining wall, exceeds 300mm above the original ground level below.

Action Pursued to Date

5. Following initial receipt of the complaint, a site visit took place on 2<sup>nd</sup> August 2023, where it was established that a retaining wall had been built and part of the top tier of the garden had been backfilled to form a raised platform of more than 300mm above the original level. The raised platform reaches approximately 600mm above the ground at the point of the retaining wall. This effectively reduces the height of the 1.8m fence to just 1.2m along the boundary with neighbours on either side and has resulted in a significant degree of overlooking, particularly towards the rear of no.11, Chapel Close.
6. As a result of the overlooking which was assessed as being harmful to the neighbour's amenity and the fact part of the raised platform to the rear required consent, the owner was contacted by email on 4<sup>th</sup> August 2023 and asked to reduce the level to no higher than 300mm above the original ground level directly below the top tier of the garden. This would not mean reducing the whole area, as the section closest to the outbuilding meets the original level. However, at the point the platform exceeds 300mm, to where it meets the retaining wall at approximately 600mm above the ground, is required to be reduced in order to fall under permitted development.
7. No reply was initially received from the owner however in an email dated 12<sup>th</sup> September 2023, they disputed that the levels had been raised by over 300mm and that they required planning permission. Photographic evidence was supplied to demonstrate the change in levels. Nevertheless, the owner continued to dispute by email on 22<sup>nd</sup> February 2024 that they would have required consent. The owner was subsequently informed by email on 23<sup>rd</sup> February 2024 that it was considered expedient for the Council to seek authorisation to take enforcement action.

### Planning History

- No relevant planning history.

### Policy

#### **Local Development Plan:**

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

*Strategic Policies:*

POLICY SP1 – DELIVERING THE STRATEGY

*Managing Development Policies:*

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES

#### **Future Wales: The National Plan 2040:**

9. 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.

**Planning Policy Wales:**

10. National planning policy in the form of Planning Policy Wales (Edition 12, 2024) (PPW) is of relevance to the matters considered in this report.
11. 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.
12. The following chapters and sections are of particular relevance in the assessment of this planning application:
13. Chapter 3 - Strategic and Spatial Choices
  - Good Design Making Better Places
14. Chapter 6 - Distinctive and Natural Places

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

**Technical Advice Notes:**

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



- Technical Advice Note 12 – Design (2016)

### **Supplementary Planning Guidance:**

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

- Residential and Householder Development (2018)

*“9.2.1. - A sense of privacy within a house and a private garden area is fundamental to the enjoyment of a residential property (i.e. residential amenity).”*

*“9.2.2. - New development that has a negative impact on the existing level of privacy enjoyed by a neighbour should be avoided wherever possible. Where new development results in an unavoidable impact, careful consideration must be given its design to ensure that the impact is kept to an acceptable level so as to safeguard your neighbour's existing residential amenity.”*

### **Other relevant evidence or policy guidance:**

- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

### **Welsh National Marine Plan:**

17. 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.

### **Well Being of Future Generations (Wales) Act 2015:**

18. 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**

19. National planning guidance advises that when deciding whether to take enforcement action, the decisive issue for the Council should be whether the unauthorised development would have an unacceptable effect on public amenity or the existing use of land and buildings meriting protection in the public interest. In all cases, the Council is required to consider the expediency of taking enforcement action and action should not be pursued simply to regularise development which is otherwise acceptable in planning terms and is likely to be granted planning permission.
20. The principal issue to consider when identifying whether it is expedient or not to serve a planning enforcement notice in this case is whether the resultant unrestricted views from the raised platform in the direction of the windows and gardens of neighbouring properties results in an unacceptable loss of privacy and detrimental impact on residential amenity.

### **Impact on Neighbours**

21. Criterion 8 of Policy MD2 (Design of New Development) of the Vale of Glamorgan Adopted Local Development Plan requires development proposals to “safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance”.
22. Raising the level of the ground by approximately 600mm for part of the top tier of the garden has created a raised platform that offers views into neighbouring gardens. The most accessible and intrusive views are of the rear garden of no.11, Chapel Close, as the fence along the boundary is now only 1.2m higher than the raised level. The photographs below illustrate the intrusive views towards the rear of 11, Chapel Close.



23. The unimpeded views towards the rear of no.11 are considered to unacceptably affect any sense of privacy enjoyed within the rear garden serving this neighbour. In the absence of and shrubbery along the boundary, which could however be removed at any point in time, there would also be open views towards the rear of 19, Highfield Close on the north side of the garden. The resultant harmful impact on the privacy of neighbours is both contrary to paragraphs 9.2.1 and 9.2.2 of the Council’s Residential and Householder Development SPG as well as Policy MD2 of the Local Development Plan, in that a sense of privacy is fundamental to residential amenity, which should be safeguarded by new development proposals.



24. Therefore, it is considered that in order to mitigate the otherwise unacceptable impact on residential amenity, the level of the raised platform comprising the upper tier of the rear garden serving no.12, Chapel Close should be reduced, so that at no point the level exceeds approximately 300mm above the original ground directly below.

### **Green Infrastructure & Biodiversity**

25. Following an update to chapter 6 of PPW, planning applications should be supported by green infrastructure statements proportionate to the scale and nature of the development proposed, which should describe how green infrastructure has been incorporated into the proposal. In the absence of a planning application, there has been no opportunity for the submission of a green infrastructure statement. Similarly, applicants are now required to provide biodiversity enhancement measures as part of a proposed development, which could include a new bat or bird box, or planting a new tree.
26. However, notwithstanding that the raised platform requires planning permission and has been finished in artificial grass, reducing the height to no more than 300mm above the ground would make the platform permitted development. As such, no green infrastructure statement or biodiversity enhancement measures would be required in that instance. Therefore, despite the above requirements for development proposals, the lack of green infrastructure and biodiversity enhancements do not form one of the reasons for taking enforcement action in this case.

### **Conclusions**

27. In conclusion, the raised platform comprising the top tier of the rear garden is considered to result in an unacceptable degree of overlooking towards the rear of neighbouring properties and loss of privacy and residential amenity and is therefore considered unacceptable and contrary to paragraphs 9.2.1 and 9.2.2 of the Council's Residential and Householder Development SPG as well as Policy MD2 of the Local Development Plan.

28. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action to require the platform to be reduced from 600mm, to no higher than 300mm above the original ground level directly below.
29. 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)

30. 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)

31. 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).
32. 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)

33. 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 reduce the height of the raised platform comprising the top tier of the rear garden to no higher than 300mm above the original level of the ground directly below.
- (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 of operational development comprising the construction of the raised platform to the rear of the property has occurred within the last 4 years.
- (2) The raised platform comprising the top tier of the rear garden is considered to result in an unacceptable degree of overlooking towards the rear of neighbouring properties and loss of privacy and is therefore considered to

have an unacceptable impact on residential amenity, contrary to paragraphs 9.2.1 and 9.2.2 of the Council's Residential and Householder Development SPG as well as Policy MD2 of the Adopted Local Development Plan.

- (3) In view of the issues identified in the paragraphs above, it is considered expedient to pursue action to require the platform to be reduced from 600mm, to no higher than 300mm above the original ground level directly below.
- (4) 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.

### Background Papers

Enforcement File Ref: ENF/2023/0196/PC

Contact Officer - Mr. Marc Stephens, Tel: 01446 706185

### Officers Consulted:

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

**IAN ROBINSON**  
**HEAD OF SUSTAINABLE DEVELOPMENT**

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **26 SEPTEMBER 2024**

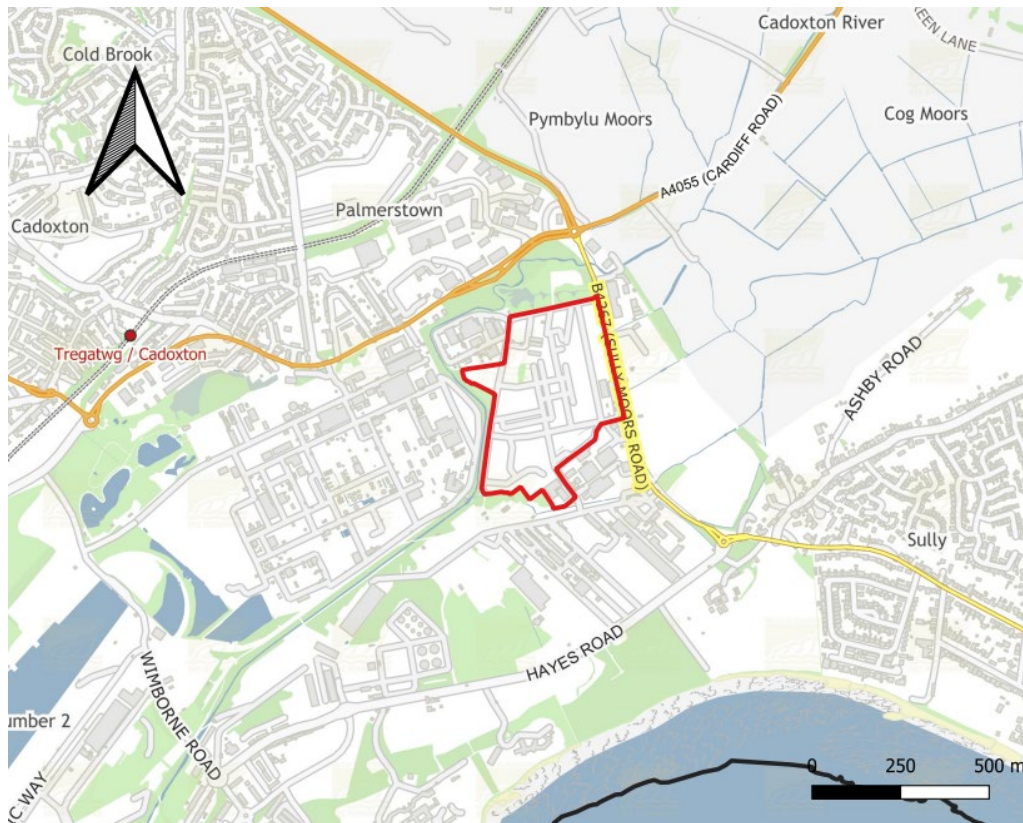
REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

RECOMMENDATION FOR THE REVOCATION OF HAZARDOUS SUBSTANCES CONSENTS REF. 1992/01078/HAZ, 2001/00678/HAZ AND 2002/01696/HAZ

LAND FORMERLY KNOWN AS 'EVC', TO THE WEST OF SULLY MOORS ROAD, BARRY

Background

1. The site refers to a large area in the east of the Barry Industrial Complex, abutting Sully Moors Road. The site was formerly used to produce PVC and is now predominantly vacant. It is identified outlined red on the Plan below:



2. Hazardous Substances Consent was originally granted at the site on the 6<sup>th</sup> of November 1992 (1992/01078/HAZ) for the storage of hazardous substances. A further consent was granted on the 13<sup>th</sup> of December 2001 by application ref. 2001/00678/HAZ, and a final consent was granted for the site (ref. 2002/01696/HAZ) on the 3<sup>rd</sup> of April 2003.
3. This report relates to the revocation of these Hazardous Substances Consents, as it is apparent that they are no longer in use. Below, the quantities of hazard substances permitted to be present on site by the three consents are set out.

4. Consent ref. 1992/01078/HAZ permitted the following to be present on site at any one time:
  - 3900 tonnes of Vinyl Chloride Monomer
  
5. Consent ref. 2001/00678/HAZ permitted the following to be present on site at any one time:
  - 4020 tonnes of Vinyl Chloride Monomer
  - 20 tonnes of Ethyl Chloroformate
  - 3 tonnes of Alpha Methyl Styrene
  - 3 tonnes of EC180 (Isododecane)/Topanol D (2,6 – ditertiarybutyl-para-cresol) mixture
  - 2 tonnes of Methane (Natural Gas)
  
6. Consent ref. 2002/01696/HAZ permitted the following to be present on site at any one time:
  - 4020 tonnes of Vinyl Chloride Monomer
  - 20 tonnes of Ethyl Chloroformate
  - 10 tonnes of Alpha Methyl Styrene
  - 3 tonnes of EC180 (Isododecane)/Topanol D (2,6 – ditertiarybutyl-para-cresol) mixture
  - 2 tonnes of Methane (Natural Gas)
  
7. The hazardous substances were stored on site in the hatched areas, which have been highlighted yellow for assistance:



Site Chronology Post 2003 Consent (ref. 2002/01696/HAZ)

8. In 2010 the Council were made aware that the site ceased operating, and the Health and Safety Executive (HSE) wrote to the Council in 2011 advising that their records showed activity at the site had ceased. Whilst the Council are responsible for the approval of Hazardous Substance Consents, the Health and Safety Executive are the regulator for hazardous substances, so also have a degree of oversight and are a key consultee. To operate with hazardous substances on site a site owner requires:
  - a grant of hazardous substance consent, overseen by the Council, and;
  - to be registered under the Control of Major Accident Hazards (COMAH) Regulations, overseen by the HSE.
  
9. The HSE have confirmed that in August 2010 the site was de-notified from the COMAH regulations and that the site has not been registered in the time since. It would have been illegal for the site to store the hazardous



substances without being registered under the COMAH regulations. This demonstrates that the substances have not been present on site for more than 13 years.

10. The below aerial photographs add further certainty that the site has not been occupied for a significant period of time. The aerial photography from 2009, when the site was operational, shows a range of buildings and apparatus that were associated with the production of PVC at the site. Compared to this, the aerial photography from 2017 displays that the site is almost completely vacant of buildings, with only some buildings retained in the north of the site. It is understood that these are now used in association with the site to the northwest, and a functional link between the two is evident in the 2017 aerial photography. Principally, the areas where buildings were previously located that stored the hazardous substances, as shown on the Plan above, are now vacant of buildings; these areas are marked with blue crosses on the 2017 aerial photograph. Aerial photography from 2013, 2019 and 2022 show the site in a similar vacant state to 2017.
11. Currently, the site remains vacant, and no planning permissions have been granted for new buildings on the site. Therefore, it is reasonable to conclude that the hazardous substances have not been present on the site for a significant period of time and in excess of 5 years, given that the site has been vacant with no operations taking place on it for a prolonged time, and given that it hasn't been registered under the COMAH regulations since 2010.

The site in 2009:

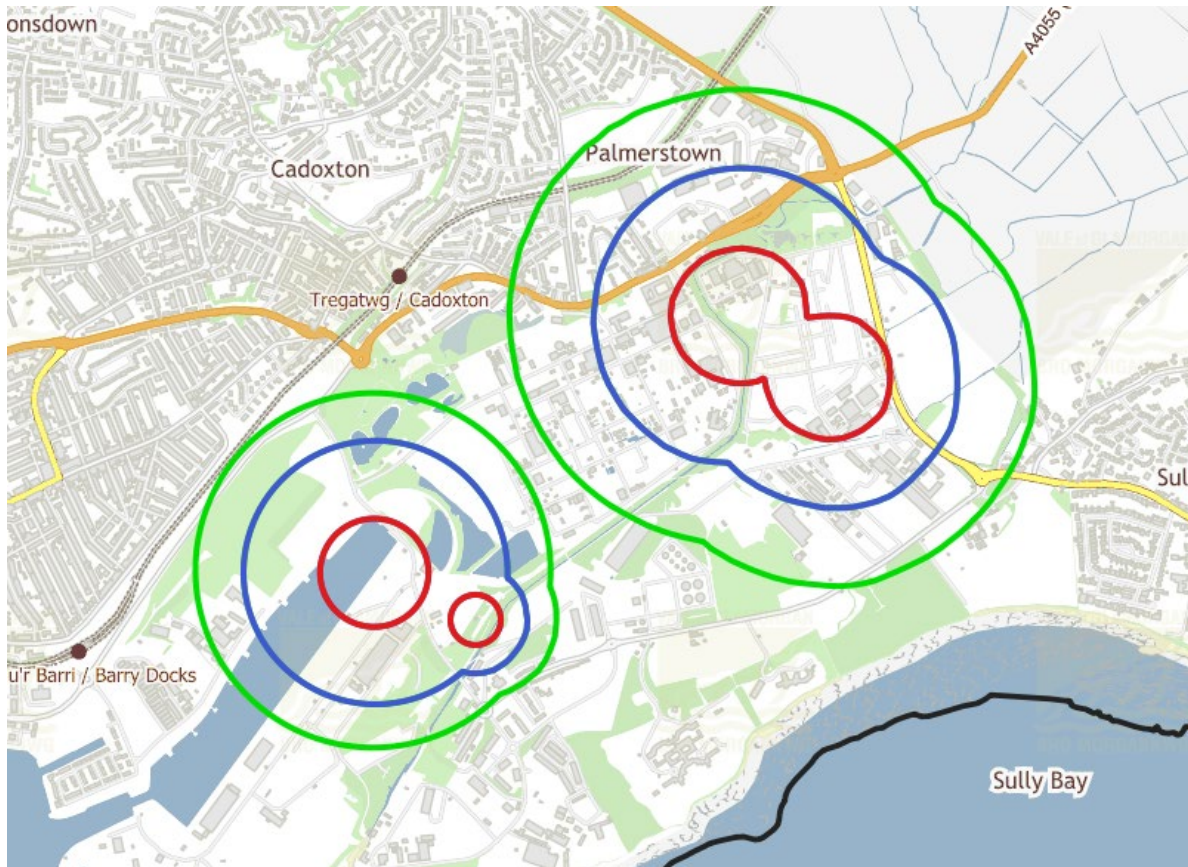


The site in 2017:

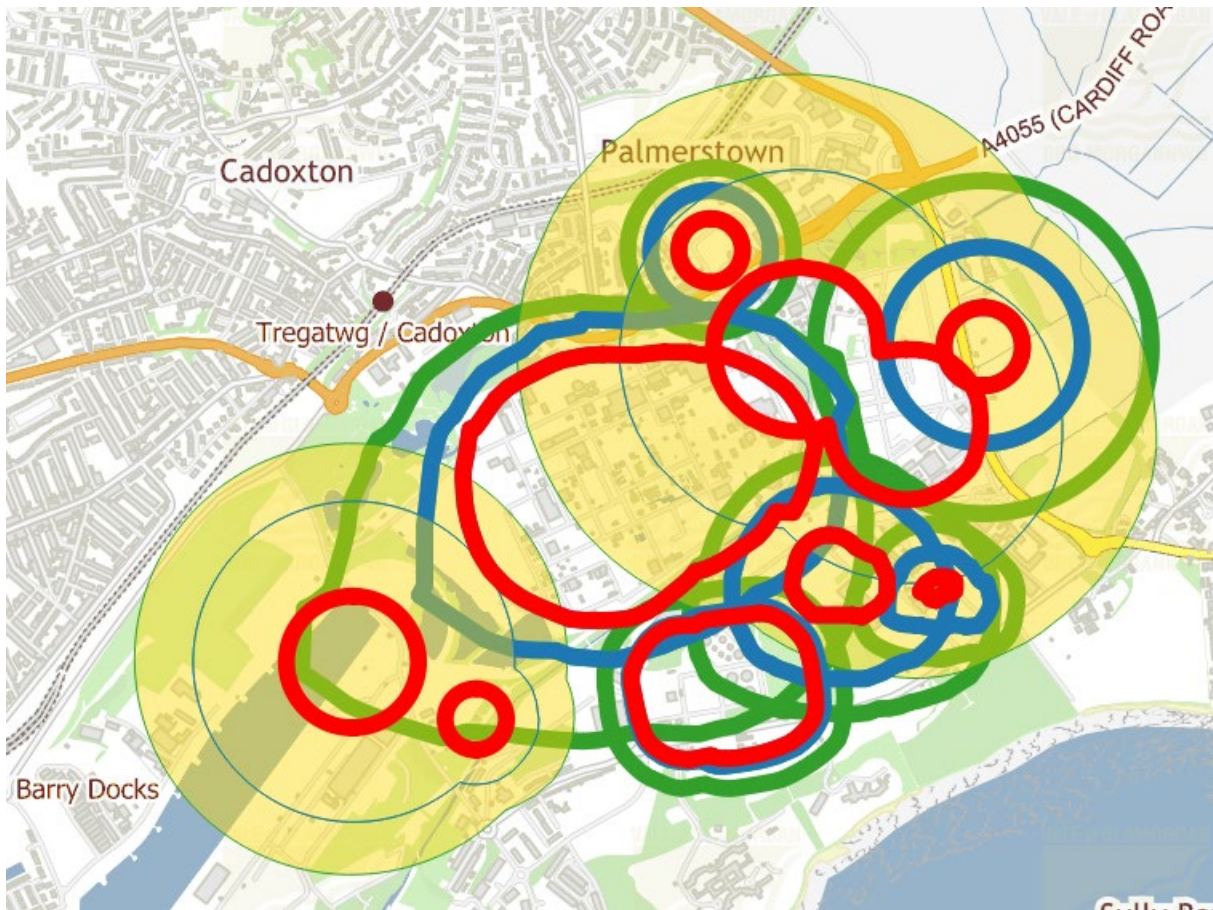


#### Reason for Revocation of the Hazardous Substance Consents

12. Following the approval of the original Hazardous Substances Consent at the site, the HSE issued a three zoned consultation map. This map remained linked to the site and applicable to the subsequent Consents.
13. This is standard procedure in relation to Hazardous Substances Consents and the purpose is to ensure that the HSE are consulted if development is proposed within these zones. The HSE are then able to consider the risk associated with the hazardous substances, and whether it would be acceptable to approve new development in proximity to the site of a hazardous substance. This acts as a constraint to new development within these areas, as it is unlikely development would be acceptable if it were considered at risk in one of the zones. The map associated with the site is identified below:



14. The larger zone in the east relates directly to the site. The smaller zone in the west relates to where the hazardous substances relating to this site at Sully Moors Road were previously delivered to the Barry Docks by boat and rail.
  
15. As set out in paragraph 2, the site has not required the benefit of the hazardous substances consent since 2010, as no operator could have legally stored hazardous substances on it without being registered under the COMAH Regulations. In this time no new user has come forward for the site that has sought to benefit from the extant Hazardous Substances Consent. This has meant development within the zones has been constrained, despite there apparently being no practical need for the zones. Therefore, it is now considered reasonable to seek to revoke the Hazardous Substances Consents referred to above, in order to potentially enable appropriate development within the Zones. It should be noted that there are other Hazardous Substances Consents active in the Barry Docks, with their own associated consultation zones. However, these remain largely centred on the Barry Industrial Complex itself, whereas the Zones subject to this Report impact areas in the wider locality, mainly Palmerstown and Barry Docks. The below Plan highlights the consultation zones subject to this Report in yellow and displays the other consultation zones in the Barry Industrial Complex in red, blue, and green concentric rings:



16. The Council, as the Hazardous Substances Authority, can propose to revoke a Hazardous Substances Consent if it appears that none of the substances subject to the consent have been present on site for more than 5 years. As the site has not been registered under the COMAH Regulations since 2010, it would not have been legally possible to store any of the hazardous substances on the site since then. Furthermore, as shown in aerial photography, the site has been largely vacant of buildings for a significant period of time, and notably the storage containers are no longer in situ. Therefore, it is reasonable to conclude that the hazardous substances subject to the consents have not been present on site for more than 5 years.
17. Consequently, it is considered reasonable to revoke the consents, as no hazardous substance has been present on site for over 5 years, and revocation is justified as the consent is acting as a constraint to development in the consultation zones. The revocation of a Hazardous Substance Consent in this manner must be confirmed by the Welsh Government Cabinet Secretary for Economy, Energy and Planning.

## Conclusions

18. Hazardous Substances Consents ref. 1992/01078/HAZ, 2001/00678/HAZ and 2002/01696/HAZ remain extant at the site, however, the hazardous substances they permit the storage of have not existed on site since 2010. Due to the consultation zones associated with the consents, both at the site and at the transit points into Barry Docks, development in areas surrounding the site has been constrained.
19. Given that the Consents have not been relied upon, but their associated consultation zone continues to act as a constraint to new development within the locality of the site, it is considered reasonable to seek to revoke them. The Council have the ability to revoke the Consents where no hazardous substances have been present on site for in excess of 5 years.
20. 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)

21. Any costs involved in drafting and issuing a Revocation Notice and follow up action can be met within the departmental budget. There are no employment issues.

## Legal Implications (to include Human Rights Implications)

22. None.

## Equal Opportunities Implications (to include Welsh Language Issues)

23. None.

## RECOMMENDATION

- (1) That the Planning Committee resolve to approve the revocation of the Hazardous Substances Consents 1992/01078/HAZ, 2001/00678/HAZ and 2002/01696/HAZ
- (2) Authorise the Head of Legal Services to take all necessary legal steps to make a Revocation Order under Section 14(2)(d) of the Planning (Hazardous Substances) Act 1990 relating to Hazardous Substance Consents 1992/01078/HAZ, 2001/00678/HAZ and 2002/01696/HAZ including the service of such Revocation Orders to the Welsh Ministers for confirmation pursuant to s.15 of the Planning (Hazardous Substances) Act 1990 and those persons set out in sub-section (3) of s.15;

- (1) Hazardous Substance Consents ref. 1992/01078/HAZ, 2001/00678/HAZ and 2002/01696/HAZ have not been relied upon since 2010. Despite this, consultation zones associated with the Consents are a constraint to development in the Barry Docks area. Therefore, their revocation is justifiable. The Council are satisfied that the substances have not been present on site for over 5 years as aerial photography shows the site has been vacant for over 5 years and the site has not been registered to store hazardous substances under the COMAH Regulations since 2010. Therefore, it is possible to revoke the Consent under Section 14(2)(d) of the Planning (Hazardous Substances) Act 1990.
- (2) It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

Background Papers

Planning File Ref: 2002/01696/HAZ

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

**IAN ROBINSON**  
**HEAD OF SUSTAINABLE DEVELOPMENT**

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 SEPTEMBER, 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

5. GENERAL PLANNING MATTERS

**2024/00086/FUL** Received on 16 February 2024

**APPLICANT:** Mr Nathan Hunt Waterways House, Merthyr Road, Llanfoist, Abergavenny, NP7 9PE

**AGENT:** Mr Geraint John Office 16, The Maltings, East Tyndall Street, Cardiff, CF24 5EA

### **Coedarhydyglyn Estate, Five Mile Lane, Barry**

Retention of fill on the site (comprising clean, naturally occurring indigenous material) associated with the Five Mile Lane Improvements (ref. 2016/00305/RG3)' (as defined by "cut and fill plan: as built survey field survey 2021 and Topo VoG 2017 – 5 May 2021").

### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because it has been called in for determination by Cllr Perry due to concerns regarding the location of a water main on site and the impacts of a potential change of soil depth above, the Impact on the quality of agricultural land and finally the potential for ground and waterways contamination arising from the works.

### **EXECUTIVE SUMMARY**

The application site relates to a 4.75ha parcel of land, which lies to the western side of the A4226 between Barry and Bonvilston. The field is currently accessed via an existing gated access from Five Mile Lane. The site itself is located within the Dyffryn Basin & Ridge Slopes Special Landscape Area and is sited within a Category 2 mineral safeguarding zone for Limestone. The site was used as a construction compound during application ref: 2016/00305/RG3 and was used to store any excavated materials during the construction phase of the five mile lane improvements project. On completion of the works a volume of excavated materials remained in the plot. Surplus excavated material was used as a fill so that the land tied into the new highway embankment.

The original application as submitted included the re-profiling and the levelling of the land, in addition to a temporary hardstanding adjacent to the existing access to the field. Following extensive discussions with the applicant, the revised proposals are for the retention of fill on the site (comprising clean, naturally occurring indigenous materials) associated with the Five Mile Lane Improvements approved under planning ref. 2016/00305/RG3. The existing/proposed levels are indicated within the "cut and fill plan: as built field survey 2021 and Topo VoG 2017 – 5 May 2021"). The proposal would retain the material in situ with the intention of utilising the site for an agricultural use in future. No further operational/engineering works are proposed.

A comment has been received by Councillor Perry raising concerns regarding the location of a water main on site and the impacts of a potential change of soil depth above, the Impact on the quality of agricultural land – including soil depth and finally the potential for ground and waterways contamination arising from the works and subsequently called the application in for determination by the planning committee. No additional concerns were raised via representations nor consultee responses. The Council's Drainage team initially requested details on how the area levels are to be altered, however following confirmation that the existing land profile would be retained, shown within the 'current levels' plan, no objection has been raised.



The primary issues involved in the determination of this planning application include the visual impact of the landfill retention on the character of the application site and the wider countryside. Additional considerations include the potential impacts on drainage, flooding, biodiversity and Green Infrastructure.

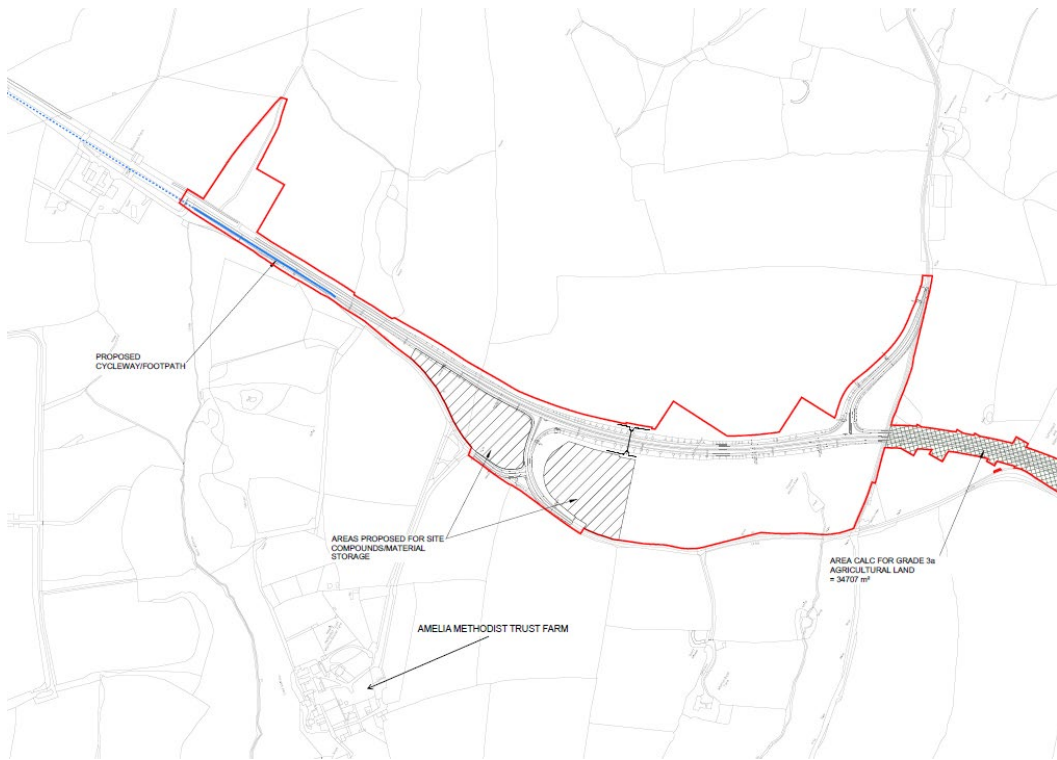
Whilst having considered the potential issues above, the planning application is recommended for approval subject to conditions.

## SITE AND CONTEXT

The application site relates to a parcel of land, which lies to the western side of the A4226 between Barry and Bonvilston. The field is currently accessed via an existing gated access from Five Mile Lane. The site itself is located within the Dyffryn Basin & Ridge Slopes Special Landscape Area, and is sited within a Category 2 mineral safeguarding zone for Limestone as identified by the Vale of Glamorgan adopted Local Development Plan.



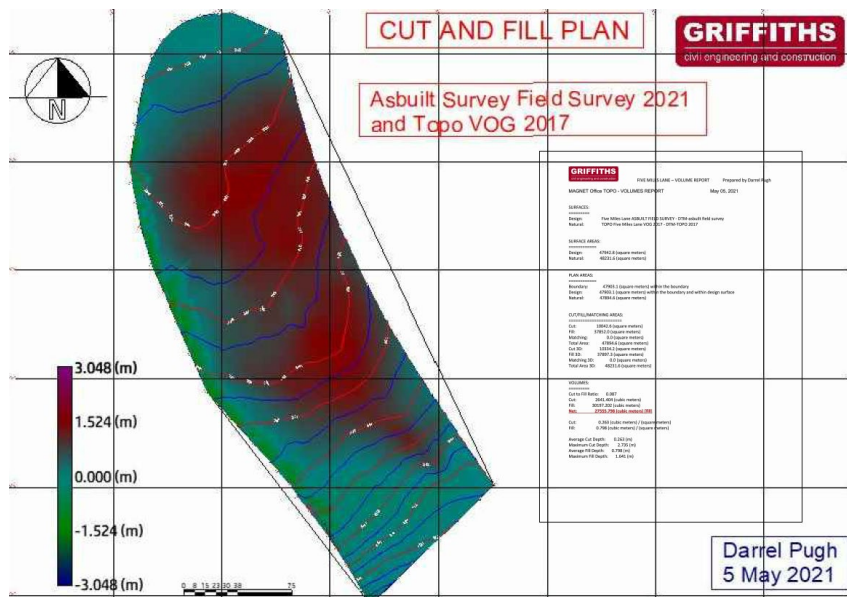
The site was used as a construction compound during application ref: 2016/00305/RG3 (improvements to the A4226), and was used to store any excavated materials during the construction phase of the Five Mile Lane improvements project. On completion of the works a volume of excavated materials remained in the plot. Surplus excavated material was used as a fill so that the land tied into the new highway embankment. This is confirmed on the plan below which has been taken from the Planning Design and Access Statement for 2016/00305/RG3.

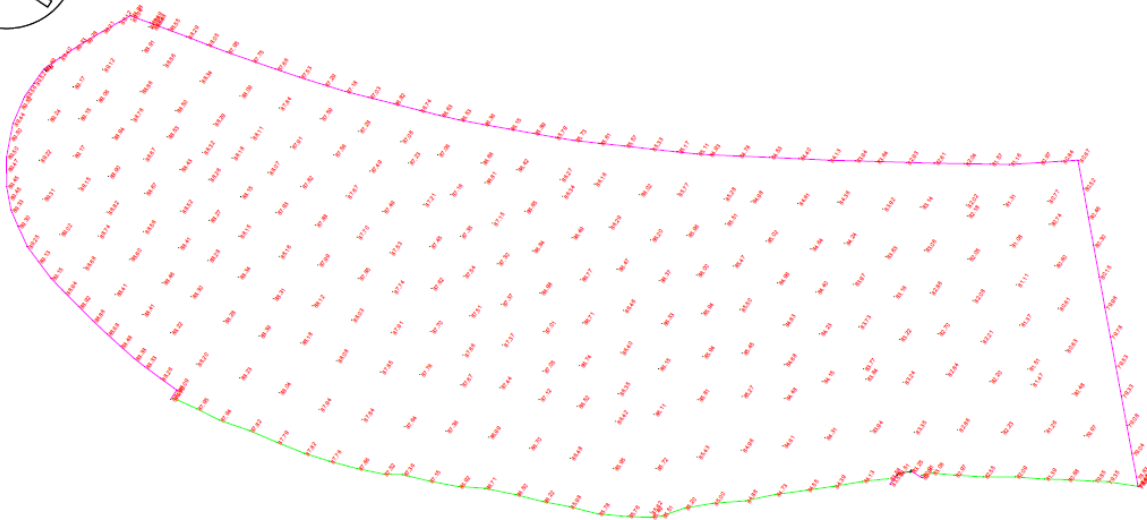
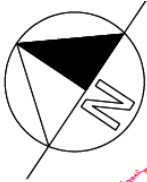


**DESCRIPTION OF DEVELOPMENT**

As amended, this is a full planning application for the retention of fill on the site (comprising of clean, naturally occurring indigenous materials) associated with the Five Mile Lane improvement scheme approved under planning permission 2016/00305/RG3.

The existing levels which are proposed to be retained are indicated in the Cut and Fill Plan (as built) attached below which indicates the surplus materials which were left following the completion of the Five Mile Lane project. The current levels are also indicated within the existing/proposed levels plan.





## PLANNING HISTORY

2013/00144/HR, Address: Various sites at Five Mile Lane, Barry, Proposal: Various side road junctions along file mile lane (A4226) , Decision: Withdrawn

2013/00584/SC1, Address: Whitton Mawr, Proposal: Proposed solar farm, Decision: Environmental Impact Assessment (Screening) - Not Required

2014/00499/SC1, Address: A4226 Five Mile Lane, between Sycamore Cross and to the north of Weycock Cross, Barry, Proposal: Proposed highway improvements, Decision: Environmental Impact Assessment (Screening) - Required

2014/00813/SC2, Address: Five Mile Lane, Barry, Proposal: Five Mile Lane improvements, Decision: EIA (Scoping) - Further info required

2016/00305/1/CD, Address: Land adjacent A4226, Five Mile Lane, Barry, Proposal: Discharge of conditions 9, 12 and 14 Proposal is for on line improvements to the existing A4226 between Waycock Cross Roundabout in Barry and the lay-by to the north of the Welsh Hawking Centre and an off line new road provision to the east of the existing A4226 which will reconnect with the existing A4226 just to the south of Blackland Farm, Decision: Approved

2016/00305/1/NMA, Address: Land adjacent A4226 Five Mile Lane, Barry, Proposal: Non-Material Amendment - Variation of Conditions 3 and 18 to amend timescale for submission of details. Planning Permission ref. 2016/01305/RG3 : Proposal is for on line improvements to the existing A4226 between Waycock Cross Roundabout in Barry and the lay-by to the north of the Welsh Hawking Centre and an off line new road provision to the east of the existing A4226 which will reconnect with the existing A4226 just to the south of Blackland Farm, Decision: Approved

2016/00305/2/CD, Address: Land adjacent A4226, Five Mile Lane, Barry, Proposal: Discharge of Conditions 11, 13 and 16 of previously approved 2016/00305/RG3 - Proposal is for on line improvements to the existing A4226 between Waycock Cross Roundabout in Barry and the lay-by to the north of the Welsh Hawking Centre and an off line new road provision to the east of the existing A4226 which will reconnect with the existing A4226 just to the south of Blackland Farm, Decision: Approved

2016/00305/2/NMA, Address: Land adjacent A4226, Five Mile Lane, Barry, Proposal: Non Material Amendment to vary Condition 17 of planning permission 2016/00305/RG3, Decision: Approved

2016/00305/3/CD, Address: Land adjacent A4226, Five Mile Lane, Barry, Proposal: Discharge of Condition 15 Hedgerow Plan, Decision: Approved

2016/00305/4/CD, Address: A4226, Five Mile Lane, Barry, Proposal: Discharge of Conditions 3, 4, 5, 6, 17, 18, 19 and 20. Decision: Approved

2016/00305/5/CD, Address: A4226, Five Mile Lane, Barry, Proposal: Discharge of Conditions 7 (Vegetation clearance) and 21 (Landscaping scheme) of Planning Permission ref. 2016/00305/RG3, Decision: Approved

2016/00305/RG3, Address: Land adjacent A4226, Five Mile Lane, Barry, Proposal: Proposal is for on line improvements to the existing A4226 between Waycock Cross Roundabout in Barry and the lay-by to the north of the Welsh Hawking Centre and an off line new road provision to the east of the existing A4226 which will reconnect with the existing A4226 just to the south of Blackland Farm, Decision: Approved

## CONSULTATIONS

1. **St. Nicholas and Bonvilston Community Council** were consulted, no comments have been received to date.
2. **The Council's Highway Development section** were consulted, initially raised concerns with regards to potential for mud debris to enter the highway. However given that no engineering works are proposed given the omission of the temporary hardstanding, no concerns are raised.
3. **The Council's Drainage Section** were consulted, and had initially requested details on how the area levels are to be altered. However following the receipt of further details, raised no objection.
4. **Shared Regulatory Services (Pollution)** were consulted, no comments have been received to date.
5. **Heneb, 'The Trust for Welsh Archaeology' (GGAT)** were consulted, and stated that it is unlikely that significant archaeological remains will be encountered during the course of the proposal, and therefore raised no objection.
6. **Dwr Cymru** were consulted, and stated that no operational development shall be carried out within 4.45 metres either side of the centreline of the public watermain. Confirmation has been received that an informative is adequate to address this.

7. **The Council's Ecology Officer** was consulted, no comments have been received to date.
8. **The Council's Landscape Section** were consulted, no comments have been received to date.
9. **St Nicholas and Llancarfan Ward members** were consulted, concerns were raised by Cllr Perry with regards to:
  - Location of water main – and potential change of soil depth above it.
  - Impact on the quality of agricultural land – including soil depth.
  - Potential for ground and waterways contamination arising from works.
10. **The Council's Contaminated Land, Air & Water Quality Team** were consulted, and raised no significant contamination concerns. However the potential for this cannot be ruled out and the 'unforeseen contamination' condition is requested.

## REPRESENTATIONS

The neighbouring properties were consulted on 19 February 2024.

A site notice was also displayed on 14<sup>th</sup> March 2024.

No comments have been received to date.

## REPORT

### Planning Policies and Guidance

#### **Local Development Plan:**

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

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy

POLICY SP9 – Minerals

POLICY SP10 – Built and Natural Environment

#### **Managing Growth Policies:**

POLICY MG17 – Special Landscape Areas

POLICY MG22 – Development in Minerals Safeguarding Areas

#### **Managing Development Policies:**

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD7 - Environmental Protection

POLICY MD8 - Historic Environment

## POLICY MD9 - Promoting Biodiversity

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.

### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 12, February 2024) (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

#### Chapter 6 - Distinctive and Natural Places

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

### **Technical Advice Notes:**

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- 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). The following SPG are of relevance:

- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Sustainable Development - A Developer's Guide

### **Other relevant evidence or policy guidance:**

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

### **Equality Act 2010**

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the preparation of this report.

### **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 key issues to consider in the determination of this planning application against the policies and guidance above includes the principle of development, visual impact of the development on the countryside and the special landscape area, impact on agricultural land, impact on neighbouring amenities, ecology, mineral safeguarding, flood risk, heritage and archaeology and green infrastructure and biodiversity.


### **Principle of Development**

With regards to planning policy, the proposed development would not constitute an exception to development in the open countryside, as set-out within Policy MD1 – Location of New Development. Policy MD1 states:

New development on unallocated sites should (officer emphasis added):

- 1. Have no unacceptable impact on the countryside;**
2. Reinforce the role and function of the key settlement of Barry, the service centre settlements, primary settlements or minor rural settlements as key providers of commercial, community and healthcare facilities;
3. Where appropriate promote new enterprises, tourism, leisure and community facilities in the Vale of Glamorgan;
4. In the case of residential development, support the delivery of affordable housing in areas of identified need;
5. Have access to or promote the use of sustainable modes of transport;
6. Benefit from existing infrastructure provision or where necessary make provision for new infrastructure without any unacceptable effect on the natural or built environment;
7. Where possible promote sustainable construction and make beneficial use of previously developed land and buildings;
8. Provide a positive context for the management of the water environment by avoiding areas of flood risk in accordance with the sequential approach set out in national policy and safeguard water resources; and
- 9. Have no unacceptable impact on the best and most versatile agricultural land.**

Policy MG17 is also of relevance given the siting of the application site within the Dyffryn basin & ridge slopes Special Landscape Area. It states that within the special landscape areas identified, development proposals will be permitted where it is demonstrated they would cause no unacceptable harm to the important landscape character of the area.

The proposals comprise of the retention of material including fill on the site, which was associated with the wider Five Mile Lane improvement project. On completion of the works a volume of excavated materials remained at the plot. Surplus excavated material was used as a fill so that the land tied into the new highway embankment. No additional material will be imported onto the site, existing material contained within the field will be retained as in its current form. 

The 4.75ha parcel, according to the Predictive Agricultural Land Classification (ALC) maps lie within agricultural land classes 3b and 5, ranging from moderate quality agricultural land to very poor quality land. Therefore given its previous state, did not represent high quality ALC. Existing materials were used to profile the site, which have been subject to sample testing as detailed in the submitted site investigation report which concluded that all materials in all trial pits appear to be clean naturally occurring, indigenous materials, with







Consequently, the proposal would preserve the rural character of the open countryside and the wider Dyffryn Basin & Ridge Slopes Special Landscape Area with regards to its visual impacts. Therefore, the proposal would comply with policies MD1 and MG17 of the Vale of Glamorgan adopted Local Development Plan 2011 – 2026.

### **Impact on Neighbours**

Criterion 8 of policy MD2 (Design of New Development) states that in order to create high quality, healthy, sustainable and locally distinct places, development proposals should *Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.*

As previously mentioned, the proposals as amended do not involve any built form or additional material being brought to site, and whilst the site does sit within relative close proximity to two residential properties, these being Whitton Bush Farm to the west and Whitton Lodge to the south, given the nature of the proposals, no adverse impacts are likely to be created upon the living conditions and amenities of neighbouring residential properties. Consequently, the proposal would comply with criterion 8 of policy MD2 of the Vale of Glamorgan adopted Local Development Plan 2011 – 2026.

### **Heritage and Archaeology**

Policy MD8 of the Vale of Glamorgan adopted Local Development Plan states that development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan, specifically *for sites of archaeological interest, development proposals must preserve or enhance archaeological remains and where appropriate their settings (Criterion 5).* The site is not located within a Conservation Area or in proximity of any listed buildings. Historic Wales's mapping identifies one archaeological record at the western site boundary. This non-designated heritage asset is identified as a 'Post Medieval Lime kiln', with reference number: 02625s. In respect of the survival/condition of this heritage feature (02625s), the following is stated within (2016/00305/RG3). 'The

limekilns within the study area (02625s) are only noted from cartographic evidence which would suggest that any upstanding remains are already lost.'

Additionally, HENEB were consulted as part of this application, and whilst it was recognised that the site is located in an area of very high archaeological potential given the presence of significant prehistoric and Roman remains in the vicinity, stated that it is unlikely that significant archaeological remains will be encountered during the course of the proposal.

Consequently, based on the above, the proposal would comply with policy MD8 – Historical Environment of the Vale of Glamorgan adopted Local Development Plan 2011 – 2026. This said, if any features are encountered during the course of the work, the applicant is advised to contact HENEB immediately.

## **Ecology**

The site is not located within any ecology designations, and given the nature of the proposals, the scheme would have no unacceptable impact on the ecology of the site. No additional materials are proposed to be imported onto site and given that the proposals involve the retention of the existing fill on the site, the retention of the indigenous material on the site is considered favourable from an ecological perspective, compared to its removal - not least as it has been in situ for some time and the site has re-vegetated.

The proposed Green Infrastructure Statement does make reference to the addition of a single tree addition within the periphery of the site, a condition will be added onto any subsequent consent for further details of biodiversity enhancement features to provide a betterment on the existing landscape. Therefore, subject to condition, the proposal would comply with Policy MD9 of the Local Development Plan 2011 – 2026 in that respect.

## **Highways**

The access into the parcel of land will be to the West of the red line boundary off the old Five Mile Lane via an existing gated access and hardstanding area. Following amendments, and the omission of the proposed temporary hardstanding, no operational works are proposed and therefore no adverse impact would be resulted upon the highway. The condition requested by highways with regard to wheel washing is therefore not proposed. Consequently, the proposal is acceptable.

## **Green Infrastructure and Biodiversity Enhancement**

Policy MD9 'Promoting Biodiversity' of the Adopted LDP requires new development to conserve and where appropriate, enhance biodiversity interests unless it can demonstrate that:

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

Furthermore, Planning Policy Wales Edition 12 (PPW12) Chapter 6, places increased emphasis on the protection and enhancement of the natural environment. It states that all developments must achieve a biodiversity benefit and also that Green Infrastructure

Statements should accompany all planning applications albeit that this will be proportionate to the scale and nature of the development proposal. The applicant has provided a green infrastructure statement. Furthermore, the proposals do not involve any removal or works to the boundary hedgerows, ensuring that any existing species and habitats are protected and enhanced. Therefore, the existing Green Infrastructure on site will be preserved, and in order to enhance the levels of Green Infrastructure on site, the proposal includes the addition of a tree within the periphery of the site.

Furthermore Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. The proposal does not include any details of proposed biodiversity enhancement measures, and as such, a condition will be placed upon any subsequent consent requesting a Biodiversity Enhancement Strategy addressing enhancement measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (**Condition 2**).

### **Drainage and Flooding**

The Welsh Government Development Advice Map (DAM) indicates that the application site is located within DAM Zone A which is not considered to be at risk to fluvial and coastal / tidal flooding. NRW flood maps (TAN15 2004) indicate that this site is at a very low risk of surface water flooding. Given the nature of the works, there will be overall little change to the profile of the land, and therefore it is not envisaged that any adverse impacts on surface water would arise as a result. Not least as the site is to remain as greenfield.

The Council's Drainage team were consulted, and initially requested details on how the area levels are to be altered. It has since been agreed that given the existing levels are to be retained, the proposed levels are demonstrated within the submitted documents and the Council's Drainage section therefore raise no objection. It is therefore considered that no further details are required in this regard.

Dwr Cymru also stated that the site is crossed by a public watermain with the approximate position being shown on the plan below, these concerns were shared with Cllr Perry. The approximate location of the watermain runs along Five Mile Lane, on the western boundary of the site. It has been agreed with Dwr Cymru that an informative is placed upon any subsequent consent stating that no operational development shall be carried out within 4.45 metres either side of the centreline of the public watermain, and that the water main is to be kept free from all temporary buildings, building material and spoil heaps etc.



Noting that the material to be retained at the site is situated away from this feature it is considered that this does not represent a reason to withhold planning permission in this instance.

### Land Contamination

Policy MD7 (Environmental Protection) of the Vale of Glamorgan adopted Local Development Plan states that development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property or the natural environment from either:

1. Pollution of land, surface water, ground water and the air;
2. Land contamination.

The fill on site has been subject to sample testing carried out by the applicant, which has outlined that the material is not contaminated: 'The results of laboratory analysis, did not identify any indicators of contamination.'

Cllr Perry has however raised concerns with regards to the potential for ground and waterways contamination arising from work. The Council's Shared Regulatory Services Environment Team were consulted as part of the application, and stated that their assessment had not identified any significant contamination concerns, however the potential for this cannot be ruled out and the 'unforeseen contamination'. Following further correspondence with SRS, confirmation was received that they support the findings of the Site Investigation Report that did not identify any contamination within the land.

Therefore, in the event that contamination is found at any time that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority as per **Condition 3**. The use of this condition is recommended on many developments where contamination is not known/identified. It does not indicate any contamination at the site; rather it serves to protect human health and the environment should any contamination be encountered during the earthworks/development process, by requiring the developer to remediate.

Consequently, subject to conditions and advisory notes, the proposal would comply with policy MD7 of the Vale of Glamorgan adopted Local Development Plan 2011 – 2026.

### **Mineral Safeguarding**

The site lies within a Category 2 mineral safeguarding area for Limestone as identified within the Vale of Glamorgan adopted Local Development Plan. Policy MG22 (Development in Mineral Safeguarding areas) states that new development will only be permitted in an area of known mineral resource where it has first been demonstrated that:

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

Paragraph 6.137 states in addition, small-scale development proposals, for example limited infill, householder development or agricultural development, will often be permissible within safeguarded areas, although they will first need to demonstrate that they would not prejudice future exploitation of the safeguarded resource. The proposals will not sterilise the site for future mineral extraction, as they do not involve any built form / permanent development. Therefore, the proposal would comply with policy MG22 of the Vale of Glamorgan adopted Local Development Plan 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), SP9 (Minerals), SP10 (Built and Natural and Natural Environment), MG17 (Special Landscape Areas), MG22 (Development in Mineral Safeguarding Areas), MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD8 (Historic Protection), MD9 (Promoting Biodiversity) of the adopted Local Development Plan 2011 – 2026, Future Wales: The National Plan 2040, Planning Policy Wales 12<sup>th</sup> Edition (2024), Technical Advice Notes 5 - Nature Conservation and Planning (2009), TAN 12 – Design (2016), TAN 15 – Development and Flood Risk (2004) and TAN 24 (The Historic Environment), The council's Supplementary Planning Guidance on Biodiversity and Development (2018), Design in the landscape, Minerals Safeguarding (2018) and Sustainable Development – A developer's Guide, the proposal is deemed acceptable.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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. This planning permission relates to the following approved plans and documents:

Site Location Plan  
Current Levels  
Cut and Fill Plan and Volume 5 May 2021

Reason:

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

2. Within three months of the date of this permission a Biodiversity Enhancement Strategy addressing enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved strategy and timings set out within and thereafter retained in accordance with the approved details whilst the development remains in existence. The Strategy shall include the following:
  - a) Details of any bird/bat box provision
  - b) Details of any landscaping features
  - c) Details of any additional ecological enhancements

Reason:

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

3. In the event that contamination is found at any time in connection with 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 unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

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

**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. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.**
- 3. The applicant is advised that the proposed development site is bordered by a public watermain with the approximate position being along the western border (Five Mile Lane). The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 4.45 metres either side of the centreline of the public watermain. The water main is to be kept free from all temporary buildings, building material and spoil heaps. No work is to be carried out before Dwr Cymru has approved the final plans and sections.**

**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).**

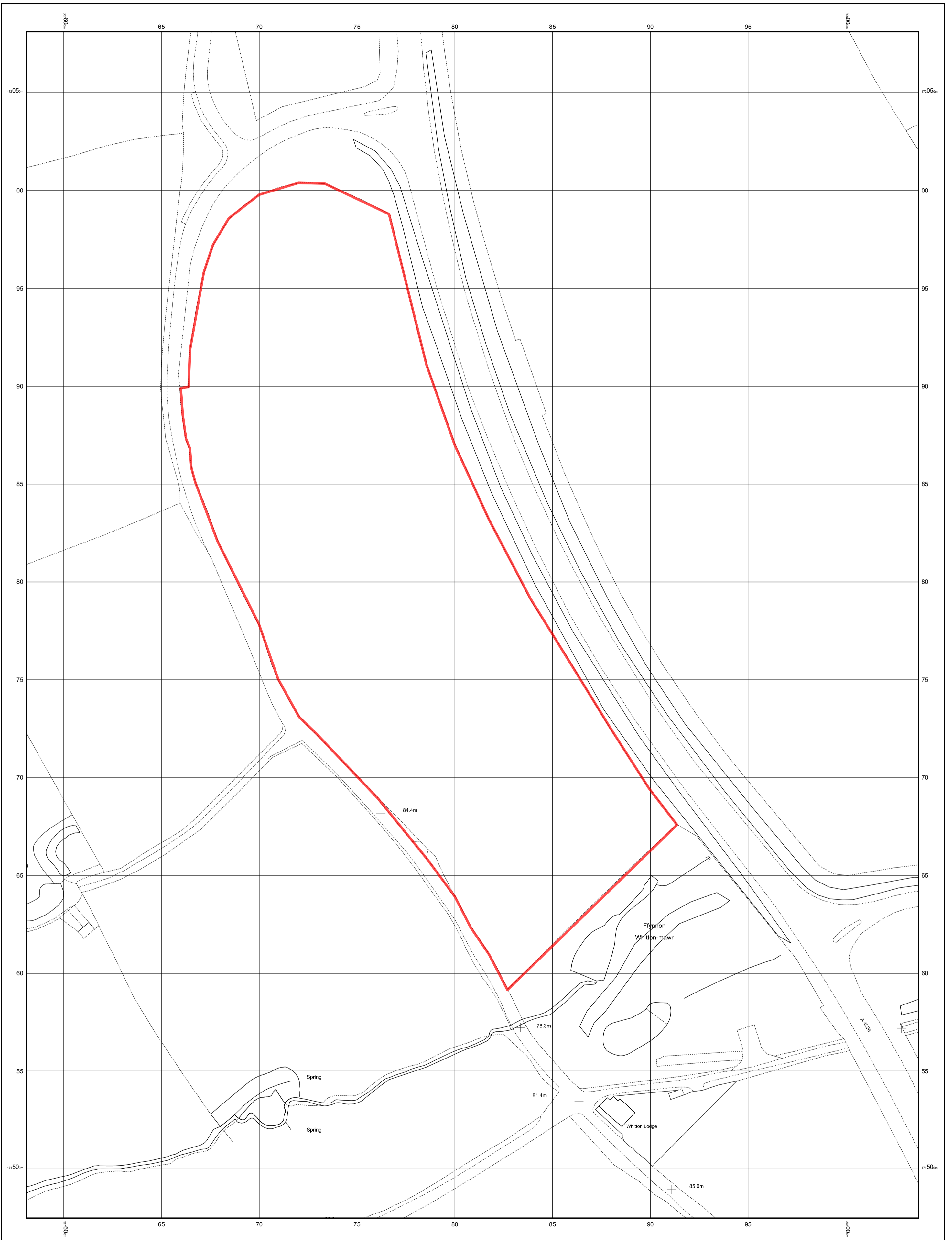
**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised 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.**

Coedarhydyglyn Estate- Doghill Farm- Five Mile Lane

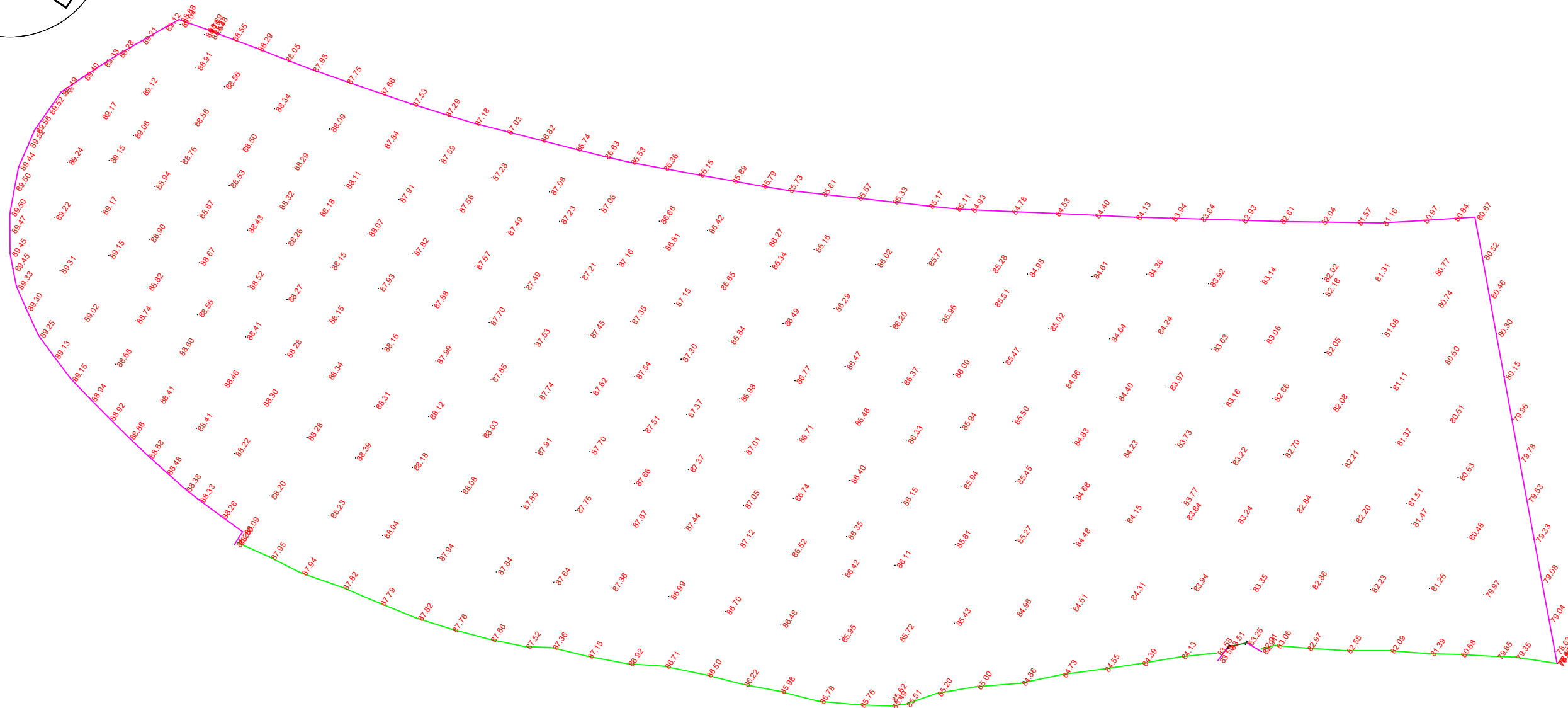
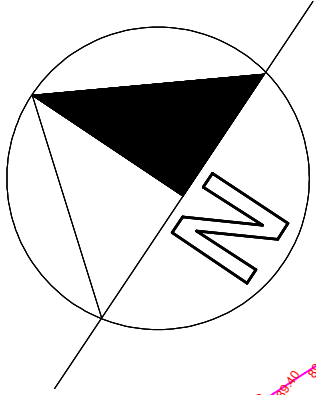
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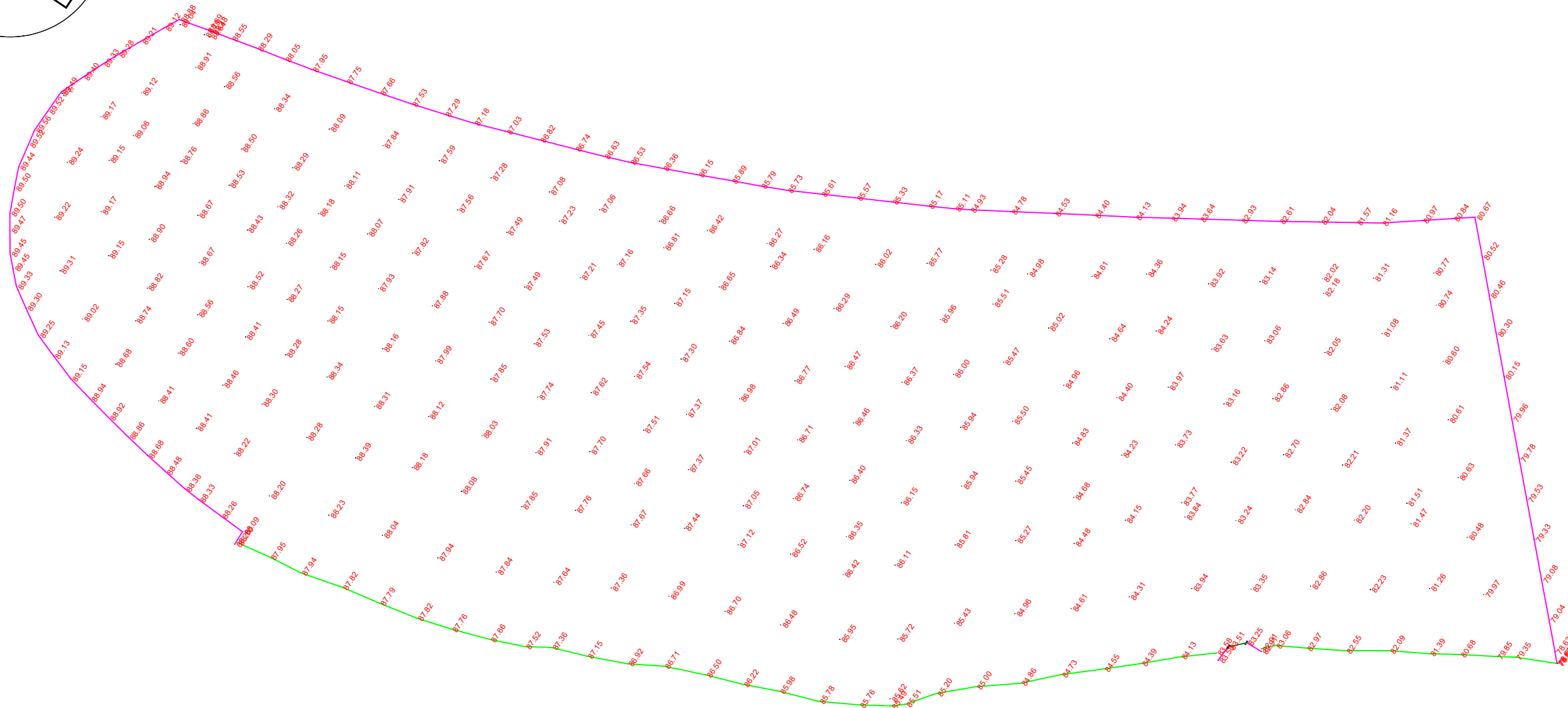
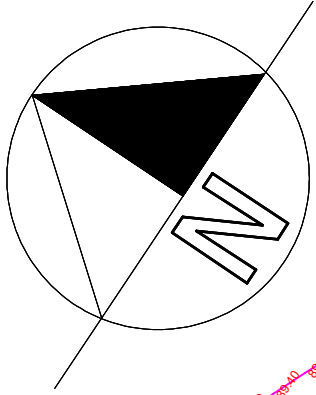
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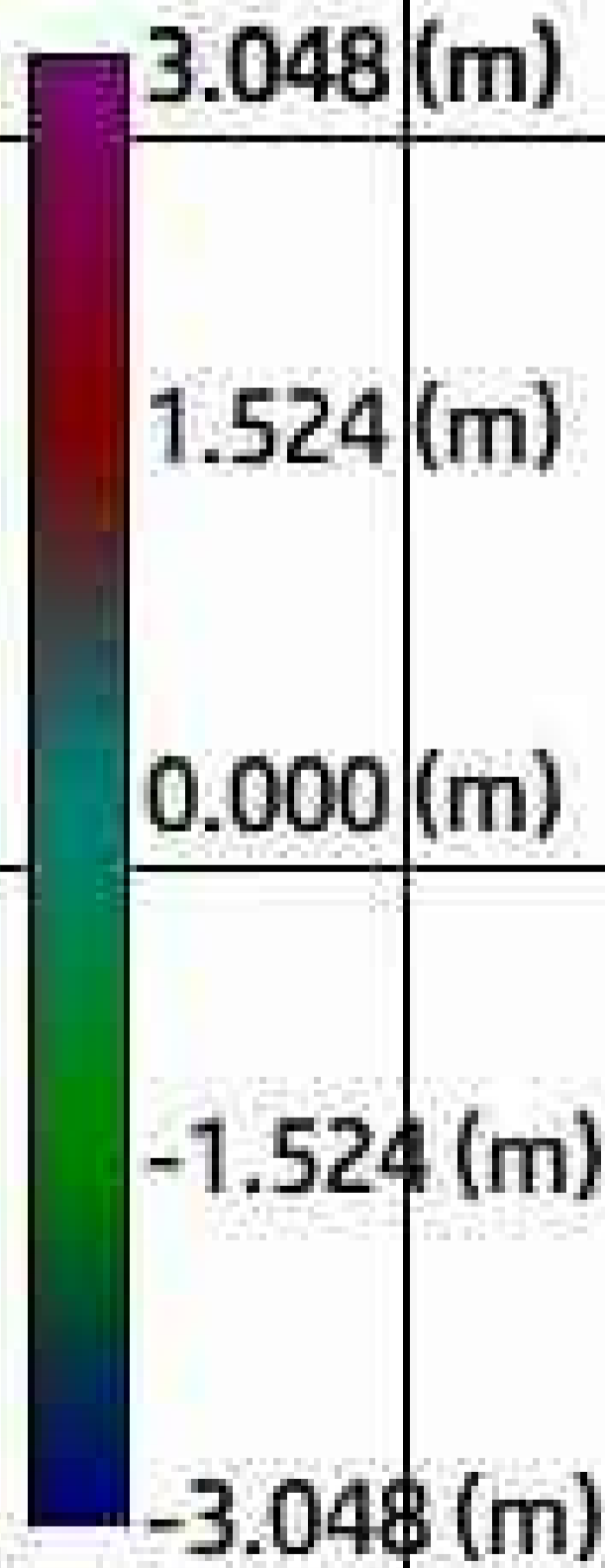
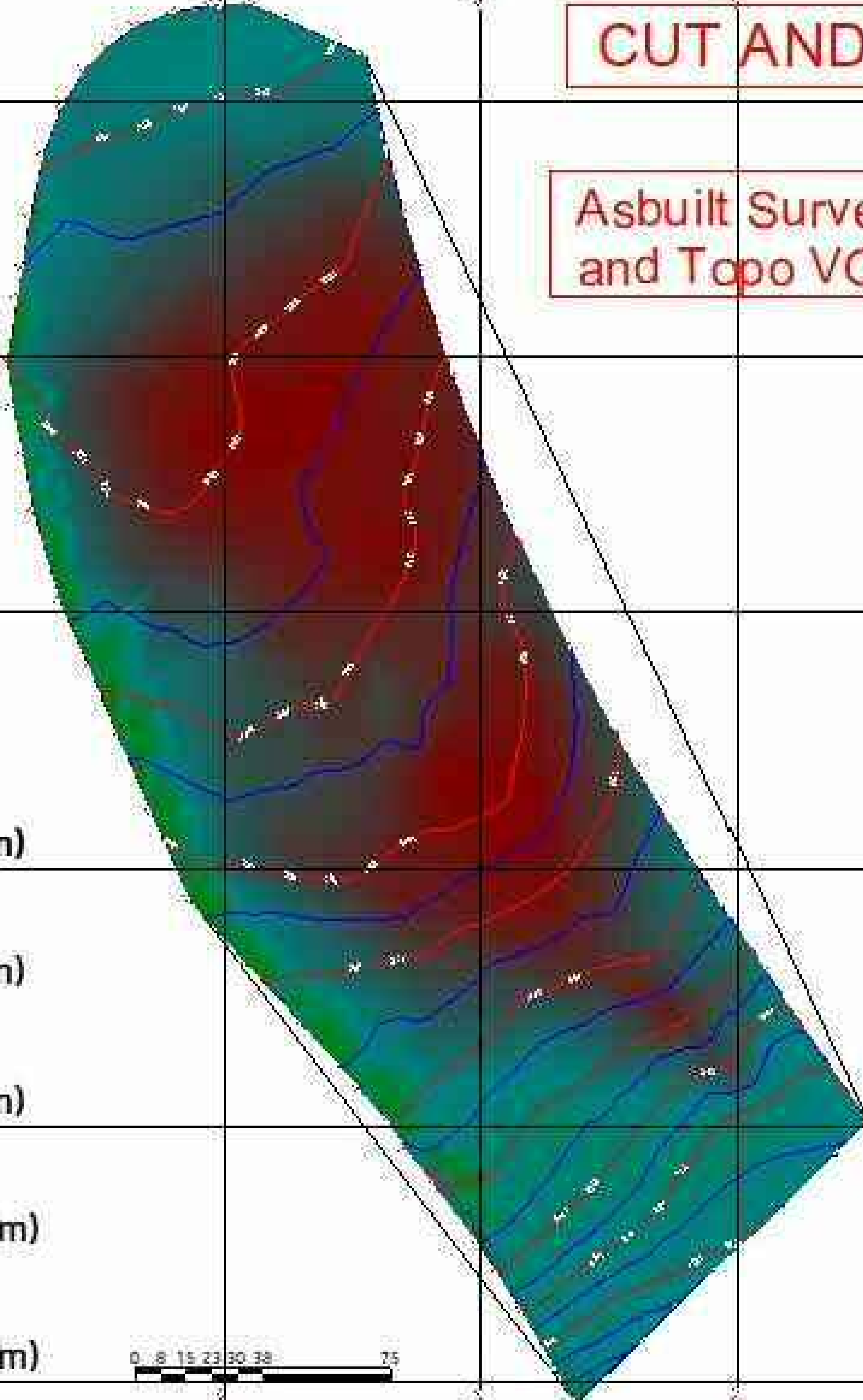
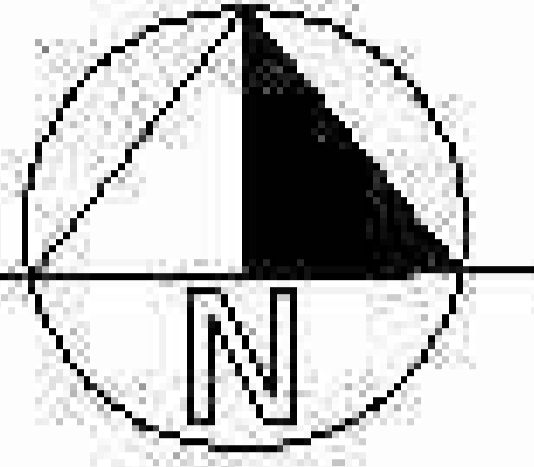




# CUT AND FILL PLAN



## Asbuilt Survey Field Survey 2021 and Topo VOG 2017



FIVE MILES LANE – VOLUME REPORT Prepared by Darrel Pugh

MAGNET Office TOPO - VOLUMES REPORT May 05, 2021

SURFACES:  
Design: Five Miles Lane ASBUILT FIELD SURVEY - DTM-asbuilt field survey  
Natural: TOPO Five Miles Lane VOG 2017 - DTM-TOPO 2017

SURFACE AREAS:  
Design: 47942.8 (square meters)  
Natural: 48231.6 (square meters)

PLAN AREAS:  
Boundary: 47903.1 (square meters) within the boundary  
Design: 47903.1 (square meters) within the boundary and within design surface  
Natural: 47894.6 (square meters)

CUT/FILL/MATCHING AREAS:  
Cut: 10042.6 (square meters)  
Fill: 37852.0 (square meters)  
Matching: 0.0 (square meters)  
Total Area: 47894.6 (square meters)  
Cut 3D: 10334.2 (square meters)  
Fill 3D: 37897.3 (square meters)  
Matching 3D: 0.0 (square meters)  
Total Area 3D: 48231.6 (square meters)

VOLUMES:  
Cut to Fill Ratio: 0.087  
Cut: 2641.404 (cubic meters)  
Fill: 30197.202 (cubic meters)  
**Net: 27555.798 (cubic meters) [fill]**

Cut: 0.263 (cubic meters) / (square meters)  
Fill: 0.798 (cubic meters) / (square meters)  
Average Cut Depth: 0.263 (m)  
Maximum Cut Depth: 2.735 (m)  
Average Fill Depth: 0.798 (m)  
Maximum Fill Depth: 1.641 (m)

Darrel Pugh  
5 May 2021