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Pen Y Garth Mansion, 2, Stanwell Road, Penarth

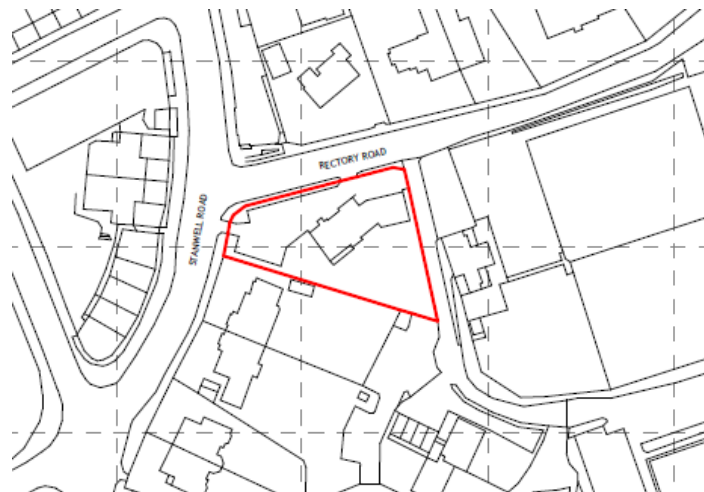
Erection of enclosure above existing car parking spaces

SITE AND CONTEXT

The application site relates to Pen y Garth Mansion, a large traditional building at the junction of Rectory Road and Stanwell Road, within the Penarth Settlement Boundary. The building has recently been converted from offices to residential apartments, which was granted permission under application ref: 2015/00647/FUL.

Planning application ref: 2015/00647/FUL granted permission for the extension and alteration of the building to form seven self-contained residential apartments, in addition to the erection of one semi-detached town house with on-site car parking, cycle and bin store facilities.

The application site is located near to the primary shopping area with nearby retail uses, and a mix of other uses in the vicinity, including residential properties to the immediate south, a library to the north and tennis courts to the east. The site is also located within the Penarth Conservation Area.

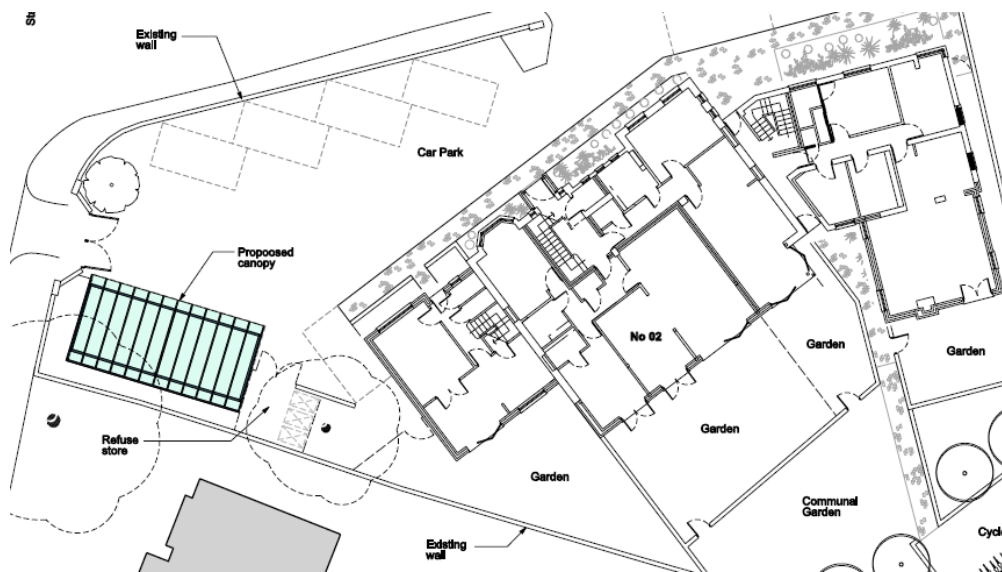
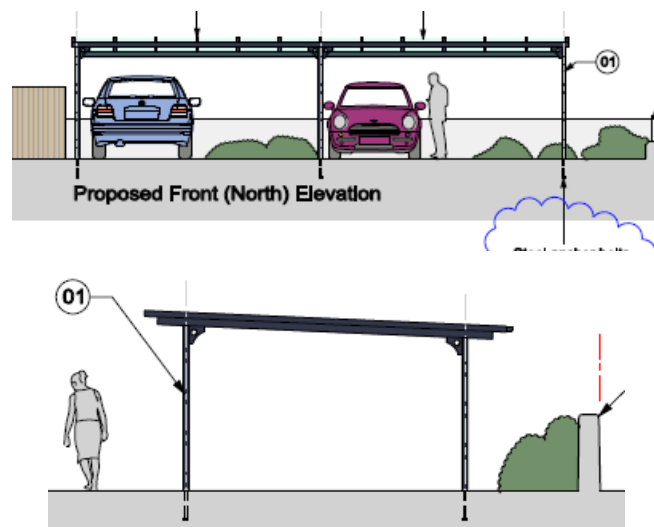


DESCRIPTION OF DEVELOPMENT

This is a full application for the construction of an enclosure/canopy within the car parking area to the front of the building, to provide cover over four existing parking spaces. The canopy would measure approximately 9.1 metres in width and 5 metres in depth at its greatest extent. It would have a shallow mono-pitched roof with a height of approximately 2.4 metres at the front entrance. The enclosure would have a painted steel frame, with a translucent, polycarbonate sheet roof.

The canopy would be located approximately 1 metre from the boundary with the neighbouring No. 4 Stanwell Road, to the south of the application site. In addition, the enclosure would fall in close proximity to a Yew tree and a Horse Chestnut tree which are both protected by a TPO and which lie within the front garden area at No. 4 Stanwell Road.

Details of the proposal can be viewed below:



PLANNING HISTORY

1983/00554/FUL, Address: 2, Stanwell Road, Penarth, Proposal: Occupation of existing office building for same use, construction of additional parking spaces, Decision: Approved

1984/00522/FUL, Address: 2, Stanwell Road, Penarth, Proposal: Extension to east and west ends office, Decision: Approved

1994/00632/TCA, Address: 2, Stanwell Road, Penarth, Proposal: Prune trees which overhang the public highway, Decision: Approved

2004/01094/TCA, Address: 2, Stanwell Road, Penarth, Proposal: Fell one yew tree, Decision: Refused

2004/01269/FUL, Address: Amey Buildings, Rectory Road, Penarth, Proposal: Proposed alterations to existing building and extensions to form 2 no. maisonettes, part office to remain, Decision: Refused

2005/00533/FUL, Address: Amey Buildings, Rectory Road, Penarth, Proposal: Proposed alterations to existing building and extension to form 1 no. maisonette (south west side) part office to remain, Decision: Refused

2005/01313/FUL, Address: Amey Buildings, Rectory Road, Penarth, Proposal: Extension to existing office building, Decision: Refused

2006/00172/FUL, Address: 2, Stanwell Road, Penarth, Proposal: Proposed extension to existing offices to provide additional office accomodation and an enclosed fire escape., Decision: Approved

2008/01363/FUL, Address: 2, Stanwell Road, Penarth, Proposal: Proposed conversion of existing office building together with new extension previously approved for office use to form 10 no flats with 15 no car parking spaces, Decision: Finally Disposed of

2012/01013/FUL, Address: Amey Building, 2, Stanwell Road, Penarth, Proposal: Proposed alterations and extension to existing building to form five flats, Decision: Withdrawn

2013/01111/TCA, Address: 2, Stanwell Road, Penarth, Proposal: Removal of three trees (Birch, Western Red Cedar and a multi-stemmed Sycamore) from rear car park, Decision: Approved

2014/00268/1/CD, Address: Car Park, 2, Stanwell Road, Penarth, Proposal: Discharge of conditions- 13-Drainage, 14-Shed. Proposed new dwelling in former car parking area, Decision: Approved

2014/00269/FUL, Address: 2, Stanwell Road, Penarth, Proposal: Proposed alterations and extensions to existing building to form 5 No flats, Decision: Approved

2014/01392/FUL, Address: 2, Stanwell Road, Penarth, Proposal: Extension and alterations of existing property to form nine self-contained residential apartments, Decision: Refused

2015/00647/1/CD, Address: 2, 2, Stanwell Road, Penarth, Proposal: Discharge of Condition 3 - Proposed materials. Extension and alteration of existing property to form seven self-contained residential apartments and one town house with on-site car parking, cycle and bin store facilities (resubmission of application ref: 2014/1392FUL), Decision: Approved

2015/00647/1/NMA, Address: 2, Stanwell Road, Penarth, Proposal: Non-material Amendment-Proposed substitution of Juliet balconies with balconies to top floor apartment to rear. Proposed cantilevered projection to first floor balcony to rear of property. Minor window and door amendments., Decision: Refused

2015/00647/2/CD, Address: 2, Stanwell Road, Penarth, Proposal: Discharge of Conditions 4, 6, and 9 - Extension and alteration of existing property to form seven self-contained residential apartments and one town house with on-site car parking, cycle and bin store facilities (resubmission of application ref: 2014/1392FUL), Decision: Approved

2015/00647/2/NMA, Address: 2, Stanwell Road, Penarth, Proposal: Non material amendment to Condition 7-Arbicultural impact assessment & Condition 11-Landscaping of planning permission 2015/00647/FUL for extension and alteration to form seven self-contained residential apartments and one town house, Decision: Approved

2015/00647/3/NMA, Address: 2, Stanwell Road, Penarth, Proposal: Non material amendment - Reposition of window to front elevation and retention of gable as tiled for extension and alteration of existing property to form seven self-contained residential apartments and one town house, Decision: Approved

2015/00647/4/NMA, Address: 2, Stanwell Road, Penarth, Proposal: Non material amendment to Planning Permission 2015/00647/FUL - Variation of Condition 10 (Drainage)., Decision: Approved

2015/00647/5/NMA, Address: 2, Stanwell Road ,Penarth, Proposal: Non-Material Amendment - To alter the car parking, refuse store and site frontage tree planting arrangement. Planning Permission ref. 2015/00647/FUL : Extension and alteration of existing property to form seven self-contained residential apartments and one town house with on-site car parking, cycle and bin store facilities (resubmission of application ref: 2014/1392FUL), Decision: Refused

2015/00647/6/NMA, Address: 2, Stanwell Road, Penarth, Proposal: Non-Material Amendment - Addition of motorized steel gates to car park exit, Decision: Approved

2015/00647/FUL, Address: 2, Stanwell Road, Penarth, Proposal: Extension and alteration of existing property to form seven self-contained residential apartments and one town house with on-site car parking, cycle and bin store facilities (resubmission of application ref: 2014/1392FUL), Decision: Approved

2016/01275/FUL, Address: 2, Stanwell Road, Penarth, Proposal: Proposed pair of semi detached 2 bedroom dwellings, Decision: Withdrawn

2017/00149/TPO, Address: 2, Stanwell Road, Penarth, Proposal: Slight reduction to one Yew - TPO No. 11 2004, Decision: Approved

2018/00279/1/CD, Address: Rear of 2, Stanwell Road, Penarth, Proposal: Discharge of Condition 4 - Ground Levels- Planning permission 2018/00279/FUL - pair of semi-detached 2 bedroom dwellings, Decision: Approved

2018/00279/2/CD, Address: The car park, rear of 2, Stanwell Road, Penarth, Proposal: Discharge of Condition 13 - CEMP and Condition 14 - Means of Enclosure of Planning permission 2018/00279/FUL - pair of semi-detached 2 bedroom dwellings, Decision: Approved

2018/00279/FUL, Address: Rear of 2, Stanwell Road, Penarth, Proposal: Proposed pair of semi-detached 2 bedroom dwellings, Decision: Approved

2018/01411/FUL, Address: Pen Y Garth Mansion, 2, Stanwell Road, Penarth, Proposal: Retention of amended parking layout, widened access and gates to Rectory Road, and gates to Stanwell Road, Decision: Approved

2019/01247/FUL, Address: Apartment 7, Pen Y Garth Mansion, 2, Stanwell Road, Penarth, Proposal: Replacement of existing Juliet balconies with glass balustrades to facilitate the use of the existing flat roof areas as private outdoor amenity space, Decision: Approved

CONSULTATIONS

Penarth Town Council was consulted on 28.01.20 and comments received on 07.02.20 state an objection due to the development “setting a precedence and being not in-keeping with the conservation area”.

St Augustines Ward Members were consulted on 28.01.20 and at the time of writing this report, comments had been received from Cllr. Neil Thomas. His comments state the following:

“The answer to q10 in the application is wrong given that a mature tree lies directly adjacent to this site and overhangs the proposed shelter. I imagine that the shelter is proposed because of leaves and perhaps sap from that tree falling on the cars below. Given that, I have no objection on planning grounds though I would be concerned if the erection damages the tree or if it results in sightline problems or overshadowing the neighbouring property.”

The Council’s Conservation Officer was consulted on 28.01.20 and comments received on 24.02.20 state an objection. The comments state:

“The proposal seeks planning permission for the erection of an enclosure over the existing car parking spaces. The proposal has a utilitarian appearance constructed from a painted steel frame, powder coated glazing bars and a polycarbonate roof. In support of the application, the Planning Statement says:

“As it stands the carparking on the western edge of the site is rendered unusable for much of the year due to the sap and leaves from the adjoining tree causing damage to cars that are parked here. In response to this occupiers of the development are being forced to take up on street parking within the immediate locality, thereby resulting in unintended parking stress to the detriment of other surrounding residential occupiers ability to park.”

The contribution of trees to the character and appearance of the Penarth Conservation Area is a significant characteristic that is identified in the CAAMP. Similarly, the front gardens and gaps between buildings make a significant contribution to the character and appearance of the conservation area. It is my view the trees adjacent to the application site contribute significantly to the character appearance of the conservation area and have a stature and form which should be regarded as having a high amenity value. The introduction of the structure proposed would, in my view, introduce an incongruous feature in an otherwise open part of the site which is particularly visible from Stanwell Road and, currently, makes a positive contribution to the character and appearance of the conservation area. It is not accepted that owners are forced to use on-street parking. Alternative measures, for example car covers, could be utilised without the need for a permanent structure such as that proposed. An amount of inconvenience and maintenance is a normal consequence of living in close proximity to trees such as those found adjacent to the application site.

It is not clear what impact the proposed works will have on the trees root protection area. Confirmation in this regard should be sought.’

REPRESENTATIONS

The neighbouring properties were consulted on 28.01.20 and a site notice was displayed on 13.02.20. At the time of writing this report, no letters of representation had been received.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

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

Managing Development Policies:

POLICY MD2 - Design of New Development
POLICY MD5 - Development within Settlement Boundaries

POLICY MD8 - Historic Environment

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

Planning Policy Wales:

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

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

3.10 In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important.

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment)

6.1.7 It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include the setting of a historic asset which might extend beyond its curtilage. Any change that impacts on a historic asset should be managed in a sensitive and sustainable way.

6.1.14 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised...

6.1.15 There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)
- 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.”
- 4.5 “In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character. Appraisal is equally important in areas where patterns of development have failed to respond to context in the past. In these areas appraisal should point towards solution which reverse the trend.”
- 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).”
- 6.16 “The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted.”

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

Supplementary Planning Guidance:

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

- Parking Standards
- Penarth Conservation Area Appraisal and Management Plan
- Residential and Householder Development
- Trees, Woodlands, Hedgerows and Development

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

Well-being of Future Generations (Wales) Act 2015

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

Issues

In assessing the proposal against the above policies and guidance, the principal issues to be considered in the determination of this application include the principle of the proposed development, its design and scale, and its visual impact upon the site and the surrounding street scene within the Penarth Conservation Area. Also to be assessed is the potential impact upon the amenity of neighbouring residential occupiers, the impact upon the nearby Yew and Horse Chestnut trees with a TPO, and the impact upon parking provision on-site.

Principle of Development

The proposal seeks planning permission for the construction of an enclosure over four existing car parking spaces within the south-western corner of the site. The Planning Statement submitted as part of the application suggests that the proposed canopy/enclosure is needed in order to protect cars parking within these spaces from falling leaves and sap from the trees overhanging the boundary at No. 4 Stanwell Road. Furthermore, the Agent has confirmed verbally that due to leaves and sap falling onto cars parked in these spaces at present, many of the residents of the Pen y Garth Mansion apartments are forced to park along Rectory Road, increasing traffic and parking pressures along this road to the north of the site.

Whilst it is acknowledged that sap falling onto cars parked in these spaces may cause damage to the paintwork, it is considered that this itself would not render these spaces unusable and would certainly not warrant the construction of what is a relatively large enclosure to protect the cars in this location. Indeed, it is considered that a TPO application could be made to cut-back some of the overhanging branches of the trees at No. 4, which if granted approval would greatly improve the situation. Additionally, as is mentioned within the Conservation Officer comments, it is considered that there are other measures which could be utilised to help mitigate the effects of leaves and sap, such as the use of car covers. Such measures would mean the visual impact of the enclosure (as will be assessed in the following section) could be avoided.

As such, with regard to the principle of the proposed development, it is considered that the need for the enclosure/canopy has not been sufficiently demonstrated, and there are alternative measures which could be taken which would likely be more acceptable. In addition it is not accepted that the current situation forces residents to park on the adjacent streets, with no supporting evidence in-line with this claim being supplied. Consequently, the comments within the Planning Statement regarding the need for the development are not accepted as the proposal is not the only way to mitigate the impacts of the trees on the suitability of the parking area.

Design and Visual Impact

In policy terms, the site is located within the Settlement Boundary for Penarth, as identified within the LDP. Policy MD5 (Development within Settlement Boundaries) states that new development within settlements will be permitted where the proposed development:

- Makes efficient use of land or buildings.
- Is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality.
- The proposal would not result in the loss of natural or built features that individually or cumulatively contribute to the character of the settlement or its setting.

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

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

This is supported in principle by Planning Policy Wales (Edition 10), TAN 12 (Design), and the Council's Residential and Householder Development SPG.

In addition, due to the site's location within the Penarth Conservation Area, Policies MD8 and SP10 are relevant, and they are explicit in their protection of the historic environment. Criterion 1 of Policy MD8 requires development proposals to "*preserve or enhance the character and appearance of the area*" whilst Criterion 1 of Policy SP10 reiterates this, requiring "*development proposals to preserve and where appropriate enhance the built environment*". Furthermore, Criterion 6 of Policy SP1 requires: "*protection and enhancement of the built environment.*"

The proposal relates to the construction of an enclosure within the front parking area serving the Pen y Garth Mansion apartments, a prominent site at the junction of Stanwell Road and Rectory Road. The front of the site, along Stanwell Road, is enclosed by a low wall with metal railings, and as such the front parking area is currently publically visible within the street scene. Given that the immediate street scene is largely retail and service orientated, with few residential properties, it was noted during the site visit that there are currently no similar structures within the street scene surrounding the site.

Given that the parking area is currently 'open' and visible from Stanwell Road, and the fact the proposed enclosure would be sited towards the front of the parking area, in close proximity to the front boundary, it would form a prominent addition to this street scene, and would detract from the openness which the site currently benefits from. Whilst it is acknowledged that there is already a bin store within the front parking area serving the apartments, it should be pointed out that this is set significantly further back into the site compared to the proposed enclosure, and is of a significantly smaller scale when compared to the proposal.

Whilst it is considered that the proposed enclosure itself is not of an unacceptably large scale, due to its siting at the front of the site, in close proximity to the public footway, it is considered that it would result in a visually intrusive and incongruous addition to the street scene along Stanwell Road, which would have a detrimental impact upon the appearance and character of the site in its current form, and the surrounding area.

In addition to its siting and the harmful effect the proposal would have upon the open character of the street scene at present, concerns also exist over the design of the enclosure itself. The proposed enclosure would be constructed with a painted steel frame and a translucent polycarbonate sheet roof and as a result it is considered that the enclosure would be constructed from materials that would not be in keeping with the character of this part of the Conservation Area of and a design of limited architectural quality of an overly utilitarian design, which would not reflect the context and character of the existing site or that of the surrounding street scene within the Penarth Conservation Area. The use of a polycarbonate roof is of particular concern, and would result in a negative and harmful impact upon the character of the site, which would be enhanced due to the prominence of the proposed enclosure at the front of the site.

This is further reinforced due to the site's location within the Penarth Conservation Area, and it is the Local Planning Authority's view that the proposal would also unacceptably upon the character of the conservation area.

Indeed, Chapter 6.1.15 of Planning Policy Wales (Edition 10) states that: *"there is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level."*

The Council's Conservation Officer has commented upon the application, stating an objection to the proposal and recommending that the application be refused, and within his comments pays specific attention to the impact the proposal would have upon the open character of the street scene, and the poor quality, utilitarian design of the enclosure. As such, given the fundamental concerns over the design and siting of the proposal, and the harmful visual impact this would cause, it is considered that in this regard the proposal is unacceptable.

In light of the assessment of the design and visual impact above, due to the siting and design of the proposal, it is considered that the enclosure would not be compliant with Policies MD2, MD5, MD8 and SP10 of the LDP, as well as the policies contained within Planning Policy Wales (Edition 10).

Impact on TPOs

The proposed enclosure would be located in close proximity to a Yew tree and a Horse Chestnut tree at the adjoining No. 4 Stanwell Road which overhang the boundary and which have a TPO placed upon them, likely falling within the root protection areas. Initially no information regarding the impact the structure would have upon the longevity of the trees was submitted as part of the application. Following officer concerns being raised with the Agent regarding the potential detrimental impact upon the trees' roots and general health, an amended plan was submitted, highlighting the fact that the enclosure would be bolted onto the surface of the car park with anchor bolts, negating the need for any foundations to be dug.

On the basis of the above, the proposal would not have any direct, or very limited impacts on the trees' roots due the minimal intervention of anchoring bolts into the ground which is not likely to cause any more disturbance than the existing surface of the car park.

In relation to the impact of the structure itself, whilst it would clearly fall within the canopy of these protected trees, the would not impact on/ or require the removal of any limbs. Furthermore as set out above, being sited on the existing hardsurfaced parking area, would result in minimal disturbance of the ground.

However, due to the proximity of the proposed structures to the . trees and which contribute significantly to public amenity and the character of the street scene and this part of the Penarth Conservation Area, the proposal would impact on the setting of these protected trees, if not physically impacting upon them.

Impact upon Neighbouring Amenity

Criterion 8 of Policy MD2 of the Local Development Plan states proposals should safeguard public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. This is reinforced by guidance contained within the adopted SPG on Residential and Householder Development.

The proposed enclosure would be set-off the boundary with No. 4 Stanwell Road, to the south, by approximately 2.2 metres. Whilst this is in relatively close proximity to the dwelling at No.4, due to the enclosure's single storey scale, it is considered that it would not result in any unacceptable impact upon the amenity of these occupiers, and as such this could not be considered as a reason to refuse the application.

Parking Provision

Given that the proposed enclosure would neither create additional, nor remove existing parking spaces, overall it would have a negligible impact upon parking provision on-site. Whilst the Planning Statement suggests that the four spaces in this part of the site are currently unusable due to leaves and sap, as has already been assessed, this is not considered to be a reason to approve the application, and the principle of the development has already been considered unacceptable as a result.

In light of the above assessment, the following recommendation is made.

REASON FOR RECOMMENDATION

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

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

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

Refuse

REFUSE (W.R.)

1. By reason of its prominence within the street scene along Stanwell Road and the wider Penarth Conservation Area, and its materials and utilitarian design, the proposed enclosure is considered to be an incongruous addition to the existing site, which would detract from the current openness of the site, setting of the adjacent protected trees and surrounding street scene and would fail to reflect the context of the site and would not preserve the character of this part of the Penarth Conservation Area. The development would therefore be contrary to Policies MD2 (Design of New Development), MD5 (Development within Settlement Boundaries), MD8 (Historic Environment) and SP10 (Built and Natural Environment) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, as well as the adopted Penarth Conservation Area Appraisal and Management Plan. The proposal would also be contrary to national policy and guidance contained within Planning Policy Wales (Edition 10), Technical Advice Note 12 (Design) and Technical Advice Note 24 (The Historic Environment).

NOTE:

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

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

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

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