

04/01809/FUL

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Fourgreen Development Ltd, Lyte Buildings, Wern Industrial Estate, Rogerstone, Newport. NP10 9YL
(Boyes Rees Architects, Palace House, Stow Hill, Newport. NP20 4EA)

LAND ADJACENT TO PROPOSED RHOOSE STATION, RHOOSE

3 storey commercial and residential mixed use development retail at ground floor with flats at first and second floor

SITE DESCRIPTION

The application site is located in the north-western corner of the Rhoose Point re-development area. The site is bounded to the north by the Vale of Glamorgan Railway line and Torbay Terrace beyond, to the west by the recently opened Transport Interchange and to the east by residential development. The southern frontage of the site fronts the main spine road through Rhoose Point.

The application site measures an area of 0.34 hectares and is currently vacant, although the land in question has been previously used as a temporary site for storage of materials in connection with the construction of the adjacent transport interchange.

DESCRIPTION OF DEVELOPMENT

This is a full application and the scheme as amended relates to the construction of a three storey building comprising commercial (retail) use at ground floor with flats above at first and second floor.

The building is of a modern and contemporary design and measures 45 metres long by a maximum width of 22 metres and will have a modern shallow inverted-pitched roof with an eaves height of 11.5 metres. The building will also have a feature "tower" which will accommodate the stairwell which will have a higher eaves level of 12.5 metres.

The proposed plans indicate that the ground floor will comprise of a unit of 344 square metres of net retail floorspace with a second unit comprising of 215 square metres, with an option to subdivide this unit. The retail units will be served by an enclosed compound on the rear elevation. Further accommodation on the ground floor at the base of the stairwell will provide a lobby area and store in connection with the use of the residential flats above.

Car and service access for the retail units is via a new access from the main spine road to the south of the site with a total of 24 car parking spaces for public parking in connection with the retail units. A service area for the retail units is proposed to the rear of the development via a gated access and unloading will take place adjacent to a covered compound area with the service area separate from neighbouring residential development by an existing perimeter brick wall and new landscaping. The service area will also accommodate 4 staff parking spaces.

Pedestrian and cycle-way routes are included from the main road and the adjoining housing development and cycle stands are located adjacent to the retail units.

The residential accommodation will comprise of a total of 14 No. two-bedroom flats over the first and second floors, where the flats fronting the southern (front) elevation will be served by small balconies. The front elevation of the building will accommodate the shop fronts although the specific details have not been submitted as part of this application. The entrance to the residential element will be via the existing access into the interchange site to the rear of the building through a gated parking area comprising of 25 car parking spaces, two of which are indicated as being disabled spaces.

The building will be finished at ground floor level with clay facing brickwork (Broadmoor, Oakdean Red) and finished at first and second floor levels with off-white render. Cedar horizontal ship lap cladding is proposed between eaves and second floor windows. The proposed roof is shown to be constructed in Kalzip sheets in standard natural stucco finish with standing seam. Eaves soffits are profiled coloured aluminium sheets.

Windows and patio doors are shown to be UPVC white and downpipes will be polyester powder coated.

PLANNING HISTORY

93/01186/OUT – Outline planning permission was granted for 500 dwellings, employment (B1/B2/B8), shop(s), pub/hotel/restaurant, environmental centre, 9 hole golf course, club house, open space, playing fields, new access road, etc. Approved on 27th March 1996, subject to conditions.

02/01515/FUL – Full planning permission was granted for a new district centre including a mixed retail unit, car parking, bus stop and shelters and a public car park on 23rd October 2003.

CONSULTATIONS

Cardiff International Airport – “The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, this department has no safeguarding objection to the proposal.”

Network Rail – Were consulted and have stated that they have no objections to the proposed development. However, given that the application will have a significant effect on a level crossing they have stated that Planning Authorities have a duty to consult not only Network Rail as adjacent landowner, but the Health and Safety Executive (HMRI) on behalf of the Secretary of State for Transport.

Health and Safety Executive (Railway Inspectorate) – Were consulted and have no comments to make.

Glamorgan Gwent Archaeological Trust – Were consulted and have stated that there are no recorded archaeological features within the area of the proposed development.

South Wales Police (Crime Prevention Department) - Were consulted and have made the following observations:

Crime Analysis

The risk assessment for crime in the Rhoose and specifically the Rhoose Point area is low, the main offences being Theft From Motor Vehicles and Criminal Damage to Motor Vehicles. There is a youth annoyance problem at the nearby shops and there are also problems locally with skateboarding youths. The development at Rhoose Point is continuing to grow and the retail facilities provided by this development will undoubtedly attract local youths which could lead to similar types of anti-social behaviour. In view of this I would ask that the following recommendations be considered.

Public Car Park

Car parks should be well lit after dark and be subject to good natural surveillance. Planting adjacent to car parking bays should have a thorn content. Traffic calming measures may be employed across the main entrance to the car park. Consideration should also be given to the type of surfacing to be used in the car park or rumble strips at intervals through the car park to discourage use by skateboarders.

Landscaping

All shrubs and plants should have a maximum growth height of 1m, whilst all trees should be pruned to a minimum height of 2m, thereby maintaining a clear field of vision within the site. Trees should not mask lighting columns nor become climbing aids. All hard landscaping and street furniture should be securely fixed down in order to prevent removal, vandalism and/or use as potential ammunition.

Street Lighting

Street lighting to the car park area and movement routes should comply with BS 5489. It should be carefully designed to cover all vulnerable areas and must not create shadows. Well-positioned lighting will deter and reveal potential offenders.

Drainpipes

Rainwater pipes must be either flush fitting or concealed to prevent them being used as a climbing aid to the first floor balconies.

Cycle Path

Public footpaths and cycle-ways are important in facilitating pedestrian and cycle movements within a proposed development and connecting with the rest of the built-up area. They should be provided where they are likely to be well used thereby providing fewer opportunities for crime and generating an increased sense of safety, which in turn increases their use. Wherever possible, footpaths should be wide, clear of hiding places, well lit and should follow a direct route. If they are not well used, they can provide opportunities for crimes against users, as well as unobserved access to the rear of buildings and as a means of escape for offenders.

The linking of the adjacent residential area to this site by means of a cycle/footpath will provide easy access to the area and means of escape for burglars, and will create opportunities for crimes against people.

The Head of Visible Services (Highway Development) – The proposed development site is located to the west of the Rhoose Point Development, adjacent to the proposed park and ride facility for the station and is currently accessed by the unfinished road layout which serves Rhoose Point from the sole point of access off Porthkerry Road.

In the interests of highway/public safety and to ensure an uninterrupted access to the Rhoose Point Development as a whole, which includes housing, employment and recreation areas identified within the Vale of Glamorgan Council's Unitary Development Plan, the Highway Authority requires an additional (secondary) safe means of vehicular/pedestrian access open to the public 365 days of the year to ensure that an alternative means of access is available, as recommended on pages 21 and 22 of "Design Bulletin 32, Second Edition" published by the Department of the Environment and Transport.

The Highway Authority would also advise that both the initial TIA produced by Ove Arup for Blue Circle Properties Limited and the subsequent TIA produced by Mason Richards Engineering for Cofton Land & Property Projects Limited identifies the use of the existing level crossing at Station Road as a secondary vehicular, pedestrian and cyclist access i.e. a Public Highway.

The Highway Authority require confirmation in writing from all of the affected parties i.e. HSE (HRMI) and Network Rail that all parties are agreeable in principle to utilise the said crossing as a secondary means of access to the development as a Public Highway subject to all necessary upgrading of the crossing in accordance with the Rail Regulatory Procedures/Specifications.

There are no highway objections to the retail element of the proposed development subject to the above requirement being satisfied prior to commencement on site unless specified otherwise, and the following requirements being fully satisfied:

1. Access to be a minimum width of 6.0m and surfaced in a bound material for a minimum distance of 10.0m from the back edge of the footway.
2. Notwithstanding the submitted plans, full details of the vehicular access shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. These details shall ensure that the access will maintain a 4.5m x 90.0m vision splay in both directions at the junction with the distributor road, and the access shall be constructed fully in accordance with the details as agreed.
3. Parking layout including service area and vehicular turning areas to be designed in accordance with the Council's design criteria and the FTA "Designing for Deliveries", and laid out and approved by the Local Planning Authority prior to beneficial use of the development.
4. Parking provision including commercial vehicle unloading areas to be in accordance with the requirements of the South Wales Parking Guidelines.

5. Pedestrian and cycle-way routes to link into the network serving the Rhoose Point Development.

There are highway objections to the residential element of this proposed development as in the interests of highway and pedestrian safety it is not acceptable to access the private residential parking area via the public car park.

The Director of Legal and Regulatory Services (Environmental Health : Pollution) - Has advised that to avoid noise complaints from nearby residents in the future, the applicant should carefully consider siting and use of the latest and quietest chillers/coolers. Moreover all fittings should be isolated from the walls and fitted into the fabric of the building, so that they are also attenuated.

As you are aware the previous use of the site could have lead to contamination. Thus although remedial work has been completed, it is essential that any ground works do not establish a new source/pathway/receptor linkage. For that reason I would like a condition requiring that during such works if any suspicious material is encountered then:

- (i) Works must be halted.
- (ii) The Authority must be informed.
- (iii) Written agreement with this Authority must be obtained before work is recommenced.

REPRESENTATIONS

Adjoining occupiers were consulted in addition to occupiers on Torbay Terrace. To date a total of 21 letters of objection have been received although several of the letters relate to representations from the same occupiers. A petition of 193 names and 54 names has also been received. A copy of one of the letters of objection is attached as Appendix A. In summary the representations received are summarised below:

- The height and scale of the building is out of keeping with surrounding dwellings.
- Loss of view.
- The development will result in overlooking and overshadowing and loss of light.
- Noise and disturbance.
- The increase in the scale of development over and above the original scheme which related to a single retail unit.
- The building is out of character with the rest of the development.
- Insufficient parking to serve the development.

Letters of representation have also been received from Ward Members Councillor Gordon Kemp and Councillor Jeffrey James (letters attached as Appendix B). The letters relate to representations that have been made with regard to the dominance of the development on the skyline, loss of privacy and undermining the visual amenity of Torbay Terrace.

REPORT

Committee Members will be aware that a planning application for the construction of a transport interchange and new district retail centre, including car parking, was approved on 23rd October 2003 (planning application 02/01515/FUL refers). The previously approved retail unit comprised of a single storey building of some 400 square metres located to the western side of the site.

The current application therefore seeks to increase the level of retail floorspace by an additional 160 square metres and provide flatted development above. The principle of retail development on the site has previously been accepted under application ref. 02/01515/FUL and prior to that under the original outline consent for the site under 93/01186/OUT as set out in the approved master plan for Rhoose Point. However an assessment should be made with regard to satisfactory access, parking provision and considerations with regard to impact on the amenity of the adjacent residential occupiers as the retail unit will be sited closer to residential dwellings than the previously approved scheme.

With regards to the additional provision of residential accommodation, the application site falls within the residential settlement boundary of Rhoose, where Policy HOUS 9 contained in the adopted Vale of Glamorgan Unitary Development 2005 permits the principle of residential development within settlement boundaries subject to the following relevant criteria:

- The scale and form of the proposed development is in keeping with surrounding uses.
- The proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments of noise, traffic congestion, exacerbation of parking problems or visual intrusion.
- Open space is provided in accordance with the council's approved standards.
- The provision of car parking and amenity space is in accordance with the council's approved guidelines.
- Adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

Furthermore consideration should also be given to the policies and guidance set out in the Amenity Standards Supplementary Planning Guidance.

In terms of the scale of the development, following several meetings with the applicants, amendments have been submitted reducing the level of the building on the site and the re-siting of the building some 3 metres westwards from its original siting. Furthermore windows which were originally shown in the eastern side elevation overlooking the dwellings in Lon Lindys, have also been omitted.

As such it is considered that the amended scheme will not impact on the amenity of occupiers of nearby residential dwellings, where the building would be 25 metres from the nearest dwelling to the east (14 Lion Lindys) and would be 53 metres from the terraced dwellings on Torbay Terrace. Furthermore it should be noted that the submitted cross-sections indicate that the building will be sited some 3.5 metres below the level of the dwellings at Torbay Terrace. Accordingly, whilst the proposed development is three storey the occupiers of Torbay Terrace would view it as a building of lesser height, given the differences in ground level. Furthermore given the inverted roof form of the building the height of the building would be below that of a normal pitched roof dwelling.

Notwithstanding the above comments, it is accepted that the scale and form of the building will result in a prominent building, when viewed from within the Rhoose Point development. However there is no objection in principle to this being a landmark building. With regard to the design, materials and finishes, the building is of a contemporary style characteristic of modern waterfront developments. Whilst the majority of the Rhoose point development relates to “vernacular style” dwellings, the materials proposed will echo those used in the dwellings.

In terms of impact on residential amenity, the scheme does propose an access, turning and service area adjacent to the residential dwellings to the east of the site. Following discussions with the applicant the building was moved some 3 metres westwards which has moved the access further away from the residential units with a strengthened landscaped buffer. However it is considered that the amenity of the occupiers could at times be impacted upon during delivery and servicing of the retail units. Accordingly it is considered that if planning permission is granted, such a consent should be limited so that deliveries and servicing only take place during the daytime (7.00 a.m. to 11.00 p.m. Mondays to Saturdays), to protect both amenities of the existing adjacent occupiers and the future occupiers of the flats above the retail units.

In terms of the nature of the proposed retail use, the applicant has not clarified an end user for the units of type of the retail use. However given the planning history and the location of the development in a predominantly residential development, the use of the units should be restricted to uses falling with Class A1 of the Use Classes Order (1987).

With regard to amenity space, the Councils Amenity Standards Supplementary Planning Guidance require flatted development to be served by 20 metres square of amenity space per person. The proposed scheme provides little private amenity space although it does provide necessary bin store areas and provision for cycle parking. However, the Rhoose Point development benefits from considerable areas of informal public open space which is considered to override the deficiency in on-site amenity space.

With regards to highway considerations the proposed development is to be served by two separate access points, a new direct access from the main spine road and the second access via the existing access road serving the interchange. The highway engineer has not raised an objection to the access arrangements into the retail site, subject to conditions. However the engineer has raised a highway objection to the access to the residential element as in the interests of highway safety and pedestrian safety it is not acceptable to access the private residential parking area via a public car park. Whilst the engineers comments are noted, the interchange car park is a Council implemented scheme and the access is only via the access road to the car park not through the car park itself. Accordingly, it is not considered that the highway objection could be sustained.

One of the main issues considered in the assessment of the previous proposal was the access route to and from the proposed development, via the second access point over the level crossing. At that time, there was a large degree of legal uncertainty as to the precise status of the level crossing and the necessary procedural route whereby full public use of the crossing could be achieved. However, this matter has now been resolved as the Office of Rail Regulation and the Department for Transport has sanctioned the dedication of the level crossing for public vehicular use by an order under the Level Crossing Act 1983.

It should also be noted that the proposed mixed use development on the site will have considerable benefits for the adjacent transport interchange in that the development will provide a high level of surveillance over the transport interchange particularly from the residential flats. The introduction of what would be a 24 hour use of the site will contribute to making a safer environment reducing both the fear of crime and opportunity for crimes to be committed.

In conclusion, and taking all considerations into account, it is considered that the provision of a retail facility will serve the residential population of Rhoose Point and support the village of Rhoose and will support the adjacent interchange and park and ride facility. Furthermore the proposed retail facility and residential units are sited in a sustainable location, adjacent to the new Rhoose Cardiff International Airport Station serving the recently re-opened Vale of Glamorgan Railway Line providing a direct link from Bridgend to Cardiff.

04025

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The permission hereby granted shall relate to the amended plans, reference 3088/PLK(90)01 Rev. E and 02 C, received by the Local Planning Authority on 29th June, 2005.
3. The proposed levels of the building, parking areas and servicing areas shall be constructed as detailed on the proposed cross section drawing, reference 3008/PL(99)08, received by the Local Planning Authority on 21st February, 2005.

4. The access, turning areas, car parking spaces, bin store and cycle parking areas, shown on drawing number 3008/PL(90)01, shall be fully laid out prior to the development hereby approved being brought into beneficial use and shall thereafter be maintained at all times to serve the residential flats and retail development hereby approved.
5. Samples of standing-seam roofing, soffit cladding, brick and a sample panel of the proposed coloured render to be used, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall thereafter be carried out in accordance with the agreed samples and thereafter maintained at all times.
6. The hours of delivery, loading and unloading shall not take place between the hours of 23:00 and 07:00 on Mondays to Saturdays and not at any time on Sundays or Bank Holidays.
7. No materials, equipment or plant shall be stored outside the building hereby approved without the prior written consent of the Local Planning Authority.
8. The consent hereby granted shall only relate to the ground floor use as a retail unit falling within Use Class A1 as defined in the Town and Country Planning Use Classes Order 1987.
9. Prior to the occupation of any of the retail units, where the units require the installation of any extraction equipment/air conditioning units or chiller units, a scheme detailing the specification of this equipment, its means of installation and isolation from the main structure of the building shall be submitted to and approved in writing by the Local Planning Authority, and the agreed equipment shall be installed and thereafter maintained in full accordance with the agreed details.
10. Notwithstanding the submitted plans, prior to the commencement of development a landscaping scheme, which shall have particular regard to appropriate species given the exposed coastal location of the site, shall be submitted to and approved in writing by the Local Planning Authority.
11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
12. During the course of any excavation or groundworks on site, should any contaminated material be discovered, all works shall cease immediately and the Environmental Health Department notified and works shall thereafter only recommence following written notification from the Environmental Health Department.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To ensure a satisfactory form of development.
4. To ensure satisfactory provision of on-site parking and amenity facilities to serve the development hereby approved.
5. In the interests of visual amenity.
6. In order to protect the amenity of nearby residential occupiers.
7. To safeguard local amenities.
8. In order to control the use of the ground floor of the development hereby approved in order to protect the residential amenities of adjoining properties.
9. In order to ensure that residential amenities of the occupiers are fully protected.
10. In the interests of visual amenities.
11. To ensure satisfactory maintenance of the landscaped area.
12. In order that any groundworks do not establish a new source/pathway/receptor linkage.

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.

Albert Road Methodist Church, C/o Much Farm Manse, Station Road, Dinas Powys, Vale of Glam.
(Liddell and Associates, Stuart House, The Back, Chepstow, Mon. NP16 5HH)

ALBERT ROAD METHODIST CHURCH, PENARTH

Conversion of part of building to residential and associated works

The property is situated within the Penarth Conservation Area.

The application was advertised on 21st December, 2005.

SITE DESCRIPTION

The application site relates to Albert Road Methodist Church located on the corner of Albert Road and Albert Crescent. The property is situated within the Penarth Conservation Area.

DESCRIPTION OF DEVELOPMENT

The proposal as amended relates to a change of use of part of the ground and first floor of the main church to provide a total of 6 flats. The two main halls at both ground and first floors will be converted to provide 3 No. two bedroom flats on each floor. The flats will be accessed via two separate existing entrances which front Albert Road and Albert Crescent. No external alterations to the building are proposed as part of the conversion.

A revised parking scheme indicating the provision of 2 No. off-street parking spaces accessed from Albert Crescent via the existing dropped curb has been submitted.

PLANNING HISTORY

The site has not been subject to any relevant planning history.

CONSULTATIONS

Penarth Town Council – Was consulted and recommended that the application be approved.

The Director of Legal and Regulatory Services (Environmental Health) - Has no comment to make regarding the application.

Welsh Water - Has requested that conditions and an advisory note be attached to any planning permission granted, in order to ensure that foul and surface water are drained separately from the site.

The Head of Visible Services (Highways) - Was consulted on the original scheme which proposed 6 No. off-street parking spaces off Albert Road. An objection was raised on the grounds that it was not possible to provide a turning facility and parking provision in accordance with the South Wales Parking Guidelines within the curtilage of the site. The proposal would also compromise the parking and/or turning provision already existing at that location, by the removal of several on-street bay to accommodate these proposals. This is unacceptable to the Highway Authority. In respect of the amended parking scheme the comments indicate that they do not object to the scheme but refer to possible 'resident only parking' being provided with the necessary Road Traffic Orders.

The Environment Agency - Were consulted and have responded with "standard advice" in the form of a guidance note for developers.

REPRESENTATIONS

Adjoining properties were notified and to date a total of three letters of representation have been received in relation to the original scheme which proposes 6 No. off-street parking spaces. The letters of objections are summarised below:

- The loss of Victorian boundary wall fronting Albert Road.
- Increased congestion and danger as a result of the proposed off-street parking and loss of public on-street spaces.
- Negative effect on property values.

REPORT

Albert Road Methodist Church, whilst not listed, is however identified in the Penarth Conservation Area Appraisal as a 'key frontage and marker building' and is therefore considered to make an important contribution to the character of the Belle Vue area.

With regards to the partial conversion of the building into a residential use, the relevant policies are contained within the adopted Vale of Glamorgan Unitary Development Plan 2005. Policy HOUS2 supports housing infill, small-scale development and redevelopment within the settlement boundary of Penarth, where the criteria listed in Policy HOUS9 are met.

Policy HOUS9, states that subject to the provisions of Policy HOUS2, development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets all the following criteria:

1. The scale, form and character of the proposed development is sympathetic to the environs of the site.
2. The proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments of noise, traffic congestion, exacerbation of parking problems or visual intrusion.

3. The proposal does not have an unacceptable impact on good quality agricultural land (Grades 1, 2 and 3a), on areas of attractive landscape or high quality townscape or on areas of historical, archaeological or ecological importance.
4. When appropriate and feasible the provisions of Policy REC3 are met.
5. The provision of car parking and amenity space is in accordance with the council's approved guidelines.
6. Adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

Furthermore consideration should also be given to the policies and guidance set out in the adopted Amenity Standards Supplementary Planning Guidance.

POLICY ENV18 – Development in Conservation Areas - states that proposals for new development or alterations to buildings or features within Conservation Areas will be permitted where they preserve or enhance the character of the conservation area. Such proposals will need to reflect:

- (i) The scale, design, layout, character, materials and setting of those buildings which establish the character of the area.
- (ii) The patterns of use which establish the character of the area.
- (iii) Important open space within and adjoining conservation areas.
- (iv) Important trees and hedgerows, and
- (v) Ponds and streams.

This application has been submitted as the existing building is currently under utilised and a new enabling use needs to be found for the building in order to help maintain the fabric of the building. As such it is a material consideration that this application seeks to find a new use for this a building as opposed to its demolition, which would be strongly resisted by the Local Planning Authority. Accordingly it must be accepted that such enabling development should be considered with a degree of flexibility when assessed against the relevant policies contained in the adopted plan, supplementary planning guidance and the Parking Guidelines.

The original scheme proposed a parking area to the front of the building which would have resulted in the demolition of a substantial length of the front boundary wall adjacent to Albert Road and the loss of the grassed landscaped area to the front of the church. Furthermore, the proposed off-street parking would have resulted in the loss of on street parking, where there would have been no overall increase in parking provision to serve the development. The parking layout was also considered to be detrimental to the setting of the church, the street scene and would have been detrimental to the character of the Conservation Area.

Following discussions with the applicant, stating that the loss of the front boundary wall would be strongly resisted, it was agreed that there was little opportunity to provide off-street parking given the constraints of the site. An amended scheme was submitted which now proposes 2 no. off-street spaces accessed off Albert Crescent, which would serve two of the flats where the remaining flats would be served by on-street parking. Whilst the majority of the parking will have to be accommodated on-street, there is available capacity on Albert Crescent. Consideration should also be given to the fact that the site is in close proximity to Penarth Town Centre with local shopping facilities and the public transport network. It is also material that the proposal seeks to find a new use for part of the building and the benefits of such enabling development to support the continued use of the church, is considered to outweigh the deficiency in off-street parking. Reference has been made to the provision of resident parking but this would be open to all residents of the area to apply for a space and would generally only limit daytime parking. Given existing on-street parking it is not considered that this is required at present.

Amenity space provision for flatted development requires 20 square metres per person. Given that the building will still, in part be retained as an operational church and given the restricted site there is no provision for private amenity space. It is therefore considered that, given the specific nature of the application, it is acceptable to relax the approved standards given that the application site lies opposite Belle Vue park, which would provide amenity space for future occupiers.

In terms of the impact of the proposal on adjoining occupiers of residential properties, the conversion of the building to flats will not result in any overlooking of nearby neighbouring dwellings.

With regard to the impact of the proposal on the Conservation Area, the conversion will result in no external alterations except for the provision of a parking area for 2 vehicles which will be sited on the existing hard-standing served off Albert Crescent. As such the partial residential conversion of the building will not have many impact of the character of the Conservation Area.

To conclude it is considered the partial conversion of the church to provide 6 flats will support the future use and its long term maintenance, where such enabling development will preserve the future use of the building which will be of a wider long term benefit to the Conservation Area and the character of the centre of Penarth.

04027

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The permission hereby granted shall relate to the amended plans, reference 1591/5A, 6A and 9A, received by the Local Planning Authority on 13th July, 2005.

3. The access and car parking spaces shown on Drawing No. 1591/9A shall be fully laid out prior to the development hereby approved being brought into beneficial use and shall thereafter be maintained at all times to serve the residential flats hereby approved.
4. Where replacement/alteration of external doorways are proposed, details of replacement doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall thereafter be carried out in accordance with the agreed samples and thereafter maintained at all times.
5. The development hereby approved shall be carried out entirely in accordance with the approved plans and specifications.
6. Details of the materials and colour of the external finishes of the proposed hard surface areas shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To ensure satisfactory provision of on-site parking to serve the development hereby approved.
4. In the interests of visual amenities of the Conservation Area.
5. To ensure the satisfactory implementation of the development.
6. To safeguard local visual amenities.

NOTE:

1. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

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.

Mr & Mrs G May, Westcliffe, Barry Road, Dinas Powys, Vale of GLamorgan, CF64 4TS.

(Mr & Mrs G May, Westcliffe, Barry Road, Dinas Powys, Vale of GLamorgan, CF64 4TS.)

LAND AT WESTCLIFFE, BARRY ROAD, DINAS POWYS

Proposed development of two dwellings

SITE DESCRIPTION

The application site comprises part of the garden curtilage to an existing dwellinghouse "Westcliffe", which is set back, and accessed off, Barry Road. The site area measures approximately 1618m², forming the major part of the southern garden area.

DESCRIPTION OF DEVELOPMENT

This is an outline application for the erection of two dwellings with all matters other than siting and access reserved for subsequent detailed approval. The submitted details show a 4m wide new vehicular access onto Croftta with an internal driveway widening to 4.8m turning west to a 6m x 17.8m turning head beyond which 2 No. car parking spaces for each of the proposed dwellings is provided. The siting details for the dwellings shows a footprint for each of 11m x 9m with both Plot A and B being positioned approximately 13.8m from the boundary with existing houses on Drylla. The proposed dwelling on Plot B is shown positioned approximately 3.5m from the rear boundaries of the houses on Croftta.

Whilst landscaping has been reserved for subsequent approval a tree survey has been submitted at this stage to indicate trees that will be removed as a result of the proposed siting and access arrangement.

PLANNING HISTORY

83/0027 – Outline application for 3 No. dwellings (one pair of semi-detached houses and one bungalow). Approved 26th April, 1983. Subject to the following conditions:

1. Details relating to the siting, design and external appearance of the proposed building(s), the means of access thereto, proposals for car parking and the landscaping of the site shall be submitted to and approved by the Council before any development is commenced.
2. Application for approval of the reserved matters herein before referred to must be made not later than the expiration of (three) () years beginning with the date of this permission.
3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) The expiration of (five) () years from the date of this permission.

- (b) The expiration of (two) () years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.
4. There shall be no pedestrian or vehicular access from the proposed properties, direct to Barry Road.
 5. None of the windows of any habitable room shall overlook the windows of habitable rooms of any other properties at a distance of less than 70ft.
 6. None of the existing trees or hedgerows on site shall be felled, lopped, or damaged without the prior written consent of the Local Planning Authority.
 7. The means of enclosing the plots shall be agreed in writing with the Local Planning Authority prior to the commencement of any works on site.
 8. Details of surface water drainage shall show the drainage of drive and paved areas to surface water drains.

Tree preservation Order No. 5 2005 – Blue Atlas Cedar. Confirmed 4th April, 2005.

CONSULTATIONS

Dinas Powys Community Council – Comments on original scheme for three dwellings:

“Objection - Garden Development. We are also concerned about possible flooding and drainage problems. Planning consent under application 83/0027 now out of time”.

Comments on amended plans for two dwellings – “Objection – Garden Development”.

The Environment Agency – Standard Advice “ Guidance for Developers” only submitted.

Welsh Water – We would request that if you are minded to grant planning consent for the above development that the Conditions and Advisory notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water’s assets.

Sewerage

Conditions

Foul water and surface water discharges must be drained separately from the site.

Reason:- To protect the integrity of the Public Sewerage System.

No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system

Reason:- to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

No land drainage run-off will be permitted, either directly or in-directly, to discharge into the public sewerage system.

Reason:- to prevent hydraulic overload of the public sewerage system and pollution of the environment.

Advisory Notes

If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.

The Director of Legal and Regulatory Services (Environmental Health) - "No comments".

The Head of Visible Services (Highway Development) – Has no objection in principle.

REPRESENTATIONS

The occupiers of neighbouring properties were notified of the original application on 11th February, 2005 and renotified of amended plans on 19th May and 21 July, 2005. In addition a site notice was posted on 15th February, 2005.

Letters of objection to the original application for three dwellings have been submitted by the occupiers of Nos. 13, 14, 16, 18, 19, 21, 22, 23, 24 and 25 Croffta.

Following notification of the amended scheme for two dwellings further objections have been submitted by the occupiers of No. 50 Drylla and Nos. 14, 19, 21, 22, 23 and 25 Croffta.

Following notification of further amendments letters of objection have again been submitted by the occupiers of Nos.19, 21, 23, and 25 Croffta.

In summary the main points of concern raised by objectors relate to adverse impact on character of area; trees and ecology; increased traffic and parking congestion, privacy and overshadowing; drainage and devaluation of property.

Whilst all the representations are available on file for Committee Members inspection, a copy of letters received from the occupiers of Nos. 19, 21 and 25 Croffta are reproduced at Appendix A as being generally indicative of the representations received at the various stages of the application.

The applicant has submitted letters in support of the application. A copy of the most recent letter is reproduced at Appendix B for Committee Members inspection.

REPORT

The application has been submitted in outline with details of siting and means of access for consideration at this stage. The proposal was originally for the development of three dwellings but has been amended to two dwellings. The application site comprises part of the garden curtilage to an existing dwelling "Westcliffe" which is located within the settlement of Dinas Powys. As such the following policy background is relevant to the determination of the application.

The adopted development plan for the area is the Vale of Glamorgan Unitary Development Plan 2005. The Plan identifies the site as being within the defined residential settlement boundary for Dinas Powys, where Policy HOUS2 allows for additional residential development subject to the residential development criteria outlined in Policy HOUS9, i.e.:

- (1) THE SCALE, FORM AND CHARACTER OF THE PROPOSED DEVELOPMENT IS SYMPATHETIC TO THE ENVIRONS OF THE SITE.
- (2) THE PROPOSAL HAS NO UNACCEPTABLE EFFECT ON THE AMENITY AND CHARACTER OF EXISTING OR NEIGHBOURING ENVIRONMENTS OF NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS OR VISUAL INTRUSION.
- (3) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE IMPACT ON GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2 AND 3A), ON AREAS OF ATTRACTIVE LANDSCAPE OR HIGH QUALITY TOWNSCAPE OR ON AREAS OF HISTORICAL, ARCHAEOLOGICAL OR ECOLOGICAL IMPORTANCE.
- (4) WHEN APPROPRIATE AND FEASIBLE THE PROVISIONS OF POLICY REC 3 ARE MET.
- (5) THE PROVISION OF CAR PARKING AND AMENITY SPACE IS IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES.
- (6) ADEQUATE COMMUNITY AND UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED.

Policy ENV25 relates to the Design of New Developments and is again a criteria based policy that requires new development to have full regard to the context of local natural and built environment and its special features.

In addition, the Council has Supplementary Planning Guidance on Amenity Standards which, in addition to policies relating to the quantity and quality of amenity space provision in a development, also has policies relating to privacy, overshadowing and visual amenity.

National Guidance contained in Planning Policy Wales (March 2002) requires that new housing should be well integrated with and connected to the existing pattern of settlements and recognises that the sensitive infilling of small gaps may be acceptable dependant on the character of the surroundings.

In assessing the proposal against the above policies and guidance the following points are noted.

A number of the objections relate to increased traffic and parking congestion. It is noted, however, that the Council's Highway Engineer has confirmed that the amended layout meets the highway requirements and there are no objections to the development.

The submitted details clearly show that in addition to a satisfactory vehicular entrance from Croffta, the development will also provide for on-site turning facilities and car parking.

The Council's Tree Officer expressed initial concerns over the original plans both in terms of loss of planting and tree cover with the development of three dwellings, and more specifically to the likely damage that would be caused to an existing Blue Atlas Cedar from the access construction. It was considered that this tree was sufficiently important to warrant statutory protection and a Tree Preservation Order has subsequently been confirmed. The Tree Officer has confirmed that there are no objections to the amended layout subject to a suitable scheme of protection during construction. As regards the overall landscaping of the site this is a matter that has been reserved for subsequent approval.

It is noted that a number of neighbours whose rear boundaries abut the site have maintained their objections throughout. Their primary concern is that the proximity of the proposed siting of the dwellings will adversely affect their residential amenities. The positioning of the proposed dwellings is such that the rear of the buildings will be minimum of 13m from the boundary with existing houses on Drylla. This will allow for the provision of windows in these elevations that will meet the Council's privacy standards for window to window distances. The siting of the side elevation of Plot B from Croffta is approximately 3.5m and clearly windows in this elevation would directly overlook the neighbouring properties and adversely affect privacy. Similarly the height of the proposed building at this point would also affect the level of daylight/sunlight to those properties. Thus the neighbours concerns are justified, however, these are matters that have not been put forward for consideration at this stage. A further reserved matters application indicating the design and external appearance of the proposed dwellings will be required and can therefore be considered and, if unacceptable, could be rejected at that stage.

As regards the drainage objections it is noted that neither Welsh Water nor the Environment Agency have any objections to the application.

In conclusion, it is considered that the details of siting and access are acceptable and should allow for the development of two dwellings sympathetic to the character of the area and without a significant adverse impact on neighbouring residential amenities.

In view of the above the following recommendation is made.

04024

RECOMMENDATION

APPROVE subject to the following condition(s):

1. Approval of the details of design and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved by the Local Planning Authority before any development is commenced.
2. Application for approval of the reserved matters hereinbefore referred to must be made not later than the expiration of three years beginning with the date of this permission.
3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) The expiration of five years from the date of this permission.
 - (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.
4. The permission hereby granted shall relate to the amended plans, reference 05/00148/OUT 'B' received by the Local Planning Authority on 14th June, 2005.
5. The vehicular access and on-site turning facilities indicated on the amended plans received 14th June, 2005 shall be fully implemented before the first beneficial occupation of any one of the dwellings hereby approved, and this shall subsequently be the sole means of pedestrian and vehicular access to the two dwellings hereby permitted with no access from the properties direct to Barry Road.
6. The detail plans shall provide parking facilities to meet the standards of the Local Planning Authority and the details shall show their location, surface finishes and marking out.
7. Details of the proposed finished floor levels in relation to the existing ground levels and the finished levels of the site, including cross-sections, shall be submitted to and agreed in writing with the Local Planning Authority before development commences. The proposed details shall pay particular regard to the residential amenities of neighbouring occupiers and the cross sections shall clearly show the context and relationship of the development with the surrounding area, including sensitivity to design and height of the dwelling on Plot B in relation to its proximity to the dwellings on Croffta.

8. The proposed dwelling(s) shall be designed so that no main windows of habitable rooms shall directly overlook the main windows of habitable rooms of other dwellings at a distance of less than 21.3 metres.
9. A scheme providing for the fencing of the trees to be retained and showing details of all excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or waste shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. No development shall be commenced on site until the approved protection scheme has been implemented.
10. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.
11. Before the commencement of the development hereby permitted, a scheme showing the means by which foul sewage and surface water run-off are to be catered for shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be put to beneficial use until the drainage works have been completed in full accordance with the approved details.
12. Plans and particulars of the reserved matters referred to in Condition No. 1 above, relating to the siting, design and external appearance of any building to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason(s):

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
4. For the avoidance of doubt.
5. In the interests of highway safety.
6. To ensure adequate on-site car parking facilities are provided in connection with the proposed development.
7. To safeguard the amenities of neighbouring occupiers and ensure the development is sensitive to the surrounding area.
8. To safeguard the privacy of adjoining occupiers.

9. To ensure a satisfactory form of development as such details did not form part of this submission.
10. To safeguard local visual amenities.
11. To ensure satisfactory drainage of the site.
12. The application was made for outline planning permission.

NOTE:

1. **Please note that the site is subject to a Tree Preservation Order and therefore if at any time you wish to undertake development which constitutes Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) you should contact the Directorate of Environmental and Economic Regeneration. Works constituting Permitted Development affecting trees covered by a Tree Preservation Order, whether branches, roots or its trunk require consent under Tree Preservation Order legislation. Similarly consent is required for works to Tree Preservation Order trees in general including lopping, topping and felling.**
2. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

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.

Island Lofts, 9, Hunter Street, Cardiff, CF10 5GX.
(Powell Dobson Architect, Charterhouse, Links Business Park, Fortran Road, St. Mellons, Cardiff. CF3 0LT)

11, PAGET ROAD, BARRY

Refurbishment and restoration of existing building to provide 11 residential units at 1st, 2nd and 3rd floors with remodelled ground floor commercial space.

The development/property is situated within Barry (Marine) Conservation Area.

The application was advertised on 23rd February, 2005.

SITE DESCRIPTION

The application site relates to an existing semi-detached vacant 3 storey bay fronted building, located at the western end of a curved Victorian terrace in Paget Road, Barry Island. The existing building is 3 storey comprising of a former ground floor restaurant with lower level basement. The restaurant frontage is a later alteration and the upper facade has a double bay with Dutch style roof gables. The property has been extended to the rear by a way of a large full width flat roof two storey extension.

There is vehicular access to a rear service yard, which due to the difference in levels is a full storey below Paget Road level. The rear access road is adopted and leads to the Barry Athletic Club Sports Ground.

Paget Road consists of a mix of cafes, snack bars and amusement arcades supporting the tourism use at Barry Island. The site lies outside of the defined residential settlement boundary of Barry and is therefore classified as falling within the open countryside. The site falls within the Barry Marine Conservation Area.

DESCRIPTION OF DEVELOPMENT

This is a full application for the refurbishment and alterations of the existing facade, demolition of the rear extension and construction of a new extension to the rear. An amended scheme has now been submitted and in detail, the accommodation will consist of the following:

- Basement level - external car parking (part undercroft) of 10 spaces with bin stores and cycle parking accessed via electronic controlled gates accessed from the rear service lane.
- Ground Floor – retention of existing restaurant and 2 No. one bedroom apartments.
- First Floor - 4 No. one bedroom apartments.
- Second Floor - 4 No. one bedroom apartments.

- Third floor (roof void) - one bedroom apartment.

The proposed refurbishment and alteration of the Paget Road facade and front roof plane, will consist of the following:

- Cleaning and removal of paint from the original brick and stonework, and repointing where necessary.
- The construction of a new shop front (to be submitted under a separate applicant).
- The provision of new PVCU windows to replace existing.
- The replacement of the roof slates with artificial slates and the provision of 2 No. conservation type rooflights.

The new build element to the rear has been designed in the form of single gable wing, with two shallow gable style roofs:

- The new build to the rear will project from the existing rear elevation of the building by 13.4 metres by a total width of 9 metres. The total height will be 14 metres to ridge from the ground level, 2 metres lower than the ridge of the existing building and 12 metres to eaves level.
- Materials proposed will be a stained timber horizontal boarding to all elevations of the extension.

The application has been supported by a design statement.

PLANNING HISTORY

The site has not been subject to any previous planning applications.

CONSULTATIONS

Barry Town Council – Was consulted and has stated that the proposals are generally welcomed, subject to the Local Planning Authority being fully satisfied:

- (i) with the provisions of vehicular access to the site via the back lane, on-site car parking and the manoeuvring of vehicles within the confines of the site;
- (ii) the privacy of occupiers of the adjoining residential property would not be undermined; and
- (iii) with the proposals for the refurbishment of the Paget Road elevation, the choice and colouring of the external finishes and the design and finish of the replacement shop front (the details of which have not been received).

These matters are considered to be particularly important in view of the prominent location of the building within the Barry Marine Conservation Area.

The Head of Visible Services (Highway Engineer) - Has stated that there are concerns about servicing the restaurant from the front, because of the obvious conflicts that would occur during deliveries. Although the area is heavily trafficked during the summer, it is not a through route, and does not overly concern us. The parking provision for the residential is inadequate and we would wish to see a reduction in the unit numbers to provide some visitor parking. If this was possible, we would have no objections.

The Environment Agency – Was consulted and has stated that:

“The site is identified in accordance with criteria set out in TAN 15 Development and Flood Risk (July 2004) as within Zone B. To meet requirement of Figure 1 (Section 4) and Table 9 of TAN 15 your Council should require the applicant to undertake a Site Level Survey to Ordnance Datum. This information should then be forward by the Local Planning Authority to the Environment Agency for advise in respect of flood risk to the site.

In consideration of the above, the Environment Agency would request that determination of the application be deferred. If however your Council is unable to defer consideration then in the absence of this site level date, Environment Agency Wales would recommend that the application be refused.”

Subsequent site levels survey were submitted to the Environment Agency for consideration and they have responded, stating that they consider the levels of the proposed development to be acceptable as it established that the risk of flooding to the site is minimal.

Welsh Water have requested that conditions and an advisory note shall be attached to any planning permission granted, in order to ensure that foul and surface water are drained separately from the site.

The Director of Legal and Regulatory Services (Principal Environmental Health Officer - Pollution) has made the following observations:

- “(i) The applicant must ensure adequate protection form noise arising from the ground floor commercial element of the development and between residential units.
- (ii) The scheme must also consider noise mitigation measures required to prevent adverse noise arising from existing adjacent commercial operations.
- (iii) The scheme must be submitted to, approved by the Local Planning Authority and fully implement prior to beneficial occupation of the development.”

The Director of Legal and Regulatory Services (Environmental Health – Housing) - Has no observations to make.

REPRESENTATIONS

Adjoining properties were consulted on 14th February, 2005 and to date no letters of representation have been received.

REPORT

In terms of planning policy, the site itself (including the whole of the adjoining Paget Road terrace) lies outside the defined residential settlement boundary for Barry and therefore the application site falls within the countryside.

The most up-to-date policies are contained within the adopted Vale of Glamorgan Unitary Development Plan 2005, of which the following are of direct relevance to this application.

Policy ENV1 relates to development within the countryside and states:

“Development in the countryside will not be permitted unless it is essential for one or more of the following uses:

- (i) Agriculture, forestry, minerals, waste management, utilities or infrastructure.
- (ii) Appropriate recreational use.
- (iii) The conversion of existing rural buildings under Policy ENV7.
- (iv) The diversification of farmsteads under Policy EMP8.”

The site has recently been included within the amended boundary to the Barry Marine Conservation Area, where the entire Paget Road terrace has been highlighted as an important context frontage, where their prominent rear elevations have an impact on the character and setting of the Athletic Ground and Old Harbour. As such regard should be given to Policy ENV18 (Development in Conservation Areas) and Policy ENV19 – (Demolition in Conservation Areas).

Consideration should also be given to the guidance and policies contained within the Barry Marine Conservation Area Appraisal and the Barry Development Guidelines, which states (p.22: ‘Paget Road Terrace’) that ‘encouragement should be given to unifying the appearance of this 3 storey key frontage. Developments that reflect the scale and massing of this terrace will be encouraged’.

Issues

The purpose of the residential settlement boundary is to prevent new residential development in the countryside, to prevent the expansion of urban areas and urban coalescence. The settlement boundary also limits residential development to within existing residential areas to ensure that new residential development is limited to areas where there would be no conflict with any existing or adjacent uses. In the case of this application it may well be argued that Paget Road has been excluded in order to protect the area from new residential development, which may affect the vitality and viability of Barry Island as a tourist destination.

However, notwithstanding the above, full consideration must be given to other material considerations which may outweigh the policy presumption against residential development of the site, particularly given that the proposal does not relate to solely to new build but the reuse and extension of an existing building.

The site itself is separate from the main crescent of terraced properties on Paget Road which consists of mainly retail uses, cafes and amusements at ground floor with elements of first/second floors in residential use. Therefore the adjoining uses and indeed the application site itself have an historic residential use, although it is accepted that the residential element is limited to flats above existing ground floor shops. However, this proposal will retain the former ground floor restaurant use with the residential element above. The proposed layout would follow the same form and layout of the adjoining uses and would therefore not be out of keeping with the adjoining uses nor impact on the viability of the area as a tourist attraction.

It should be noted that precedent has been set for such development, where a larger scheme of redevelopment is currently under construction at the other end of Paget Terrace, at the former Rock Café/Galleon Lounge as approved under planning permission ref. 04/01200/FUL. This application has been submitted by the same developer on similar design grounds and development principles.

Further consideration should be given to the enabling form of development. This should examine the benefits of a sensitive and appropriate scheme for residential redevelopment re-using and re-adapting an existing building including the demolition of the large unsightly two-storey flat roof extension and its replacement with a narrower modern extension, which is considered to enhance the character of the Conservation Area. On balance, the benefits would outweigh the policy objection against residential development at the site.

Having accepted the principle of residential use at the site, the main considerations in assessing this application is the impact of the extension by virtue of its scale, form, design and materials, on the Paget Road street scene and its wider impact on the Conservation Area and whether the proposal meets the Council's standards in respect of parking and amenity space.

The scheme proposes two key design elements, that is the retention and renovation of the existing facade and the construction of a contemporary extension to the rear overlooking the bowling club and cricket ground and Old Harbour beyond.

The scheme as originally submitted for the rear extension indicated a ridge height of the new projecting roof plane at the same height as the main building. The extension did not respect the scale of the original building and due to the elevated position of the rear elevation was considered to be over dominant. Similarly its form was out of keeping with the adjoining terraces and therefore did not preserve or enhance the character of the Conservation Area.

The revised scheme has addressed these concerns. The top floor of accommodation which would have extended the roof plane has now been omitted and the extension is now lower and a more subordinate extension which mirrors that previously approved at the other end of Paget Terrace. It is considered that the demolition of the large flat roof two/three storey extension and its replacement with a narrower modern extension will significantly improve the appearance of the rear of the building and the wider setting of the Conservation Area.

The extension is relatively deep being some 13.4 metres, however the adjacent building has a large projecting three-storey extension which would effectively screen the proposed extension when viewed from the approach to the Island from the north. The materials indicated on the rear extension will be comprised of stained timber boarding which will contrast with the restored brick and stone front facade. The materials chosen will match those used in the previously approved scheme at Rock Cafe.

The rear elevations to the existing crescent are neutral in terms of their materials and finishes, although given the difference in levels the scale of the rear elevations are a prominent feature on the skyline when viewed at a distance from Parade Gardens. It is considered that the revised scheme, and in particular the rear extension, now respects the rear elevations of the adjoining properties and the wider setting of the Conservation Area.

The Amenity Standards Supplementary Planning Guidance requires a minimum provision of 20 square metres of amenity space per person in flatted developments. The proposed development of 11 units could accommodate up to 2 people per flat, which would require 440 square metres of amenity space. The amenity space in this scheme is limited with no private areas of amenity space.

The scheme does include the provision of a bin store and cycle parking stand in the lower ground floor undercroft car park. Consideration should however be given to the location of the site and the proximity of public amenity space which could be used by the occupiers in the nearby park and Whitmore Bay.

Given the size of the site, consideration should be given that the fact that the proposal relates partly to the conversion of an existing building and is therefore constrained in relation to the ability to provide amenity space in line with the Council's Standards. In view of this and given the nature of the development, the availability of nearby public amenity space and the addition of bin store areas and cycle parking, it is appropriate to relax the approved standards in this instance.

The development provides 11 off-street spaces with spaces provided at ground floor level and basement level in addition to secure cycle parking. Access to the car park is from the adopted rear lane which provides access to the bowling club and cricket ground. No specific objection has been raised by the Head of Visible Services (Highway Development) although he has stated that there are concerns about servicing the restaurant from the front, because of the obvious conflicts that would occur during deliveries. However whilst the western part of Paget Road is heavily trafficked during the summer, it is not a through route and as such it is considered on-street servicing is acceptable.

Concern has been raised with regard to parking provision, which is one space per unit. The highway engineer has requested a reduction in the unit numbers to provide some visitor parking. It is considered that the proposed provision is not unreasonable given the units only consist of one bedroom apartments. There is also provision for residents' parking which is available in a limited part of Paget Terrace, which could accommodate some over-spill parking. Furthermore the site is also in relatively close proximity to Barry Island Station which provides regular train services to Cardiff.

To conclude, the proposed development would result in the retention and refurbishment of an existing facade which forms part of a row of prominent terraced properties in this part of the Conservation Area. It will improve the 'gateway' approach into the island and will enhance the character and setting of the Athletic Ground and Old Harbour and the wider Conservation Area.

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RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The permission hereby granted shall relate to the amended plans, reference SW883/PO3 Rev. A, PO4 Rev. A, PO2 Rev. B and Rev. B, received by the Local Planning Authority on 25th May, 2005 and 23rd June, 2005.
3. The access, turning space, car parking spaces, bin store and cycle parking areas shown on drawing number SW883/PO3 Rev. A, shall be fully laid out prior to the development hereby approved being brought into beneficial use and shall thereafter be maintained at all times to serve the residential flats hereby approved.
4. Prior to the commencement of development the applicant shall submit a full method statement detailing cleaning and repair of the stone dressings and repair and re-pointing of existing brickwork and the development shall thereafter be carried out in accordance with the approved details.
5. Where areas of walling are to be replaced or re-instated on the main elevations of the building, all brick and stonework shall match the existing building and be constructed in full accordance with the method statement submitted in respect of Condition No. 4.

6. Samples of roof slate, ridge tiles and cladding shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the development shall thereafter be carried out in accordance with the agreed samples and thereafter maintained at all times.
7. Notwithstanding the submitted plans, further details of the proposed shopfront to a scale of 1:50 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and the development shall be constructed in full accordance with the details as agreed and thereafter maintained at all times.
8. Notwithstanding the submitted plans, further details of the proposed replacement windows including sections to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and the development shall be constructed in full accordance with the details as agreed and thereafter maintained at all times.
9. The consent hereby granted shall only relate to the use of the ground floor as a restaurant and for no other uses falling within Use Class A3 as defined in the Town and Country Planning Use Classes Order 1987.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To ensure satisfactory provision of on-site parking and amenity facilities to serve the development hereby approved.
4. In the interests of visual amenities of the Conservation Area.
5. In the interests of visual amenities of the Conservation Area.
6. In the interests of visual amenities of the Conservation Area.
7. In the interests of visual amenities of the Conservation Area.
8. In the interests of visual amenities of the Conservation Area.
9. In order to control the use of the ground floor of the development hereby approved in order to protect the residential amenities of adjoining the properties.

NOTE:

- 1. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

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.

Mr A.J. Richards, 79, Oakland Road, Bridgend. CF31 4SU
(Mr A.J. Richards, 79, Oakland Road, Bridgend. CF31 4SU)

MOLCHENYDD FARM, TREOES

Retention of agricultural building and polytunnels

SITE DESCRIPTION

The application site relates to a small section of approximately 50 acres of agricultural (pastoral) land adjacent to Molchennydd Farm, to the south-east of Treoes and to the north-west of Llangan. The applicant has erected an agricultural building (223m² with a ridge height of 5.5m) and two polytunnels of 108m² each on the site. The application is not related to Molchennydd Farm.

The site lies within the open countryside outside the residential settlement boundary of Treoes. The buildings are within approximately 60m of a public footpath to the west. The site is accessed via a gate and loose gravel lane off the road to Llangan to the north east corner of the site. The barn and polytunnels are set approximately 70m and 120m respectively, into the site.

DESCRIPTION OF DEVELOPMENT

The application seeks Planning Permission to retain an agricultural building for the storage of tractors, implements and hay and two polytunnels to grow flowers and vegetables for the applicant's own use. The building is a steel frame construction with colour coated metal sheet cladding to the walls and roof and is 18.8m long, 9.35m deep and 5.5m in height. The polytunnels are lightweight frame structures with a polythene sheet cover and are 18m long by 6m wide and 3m in height.

The applicant farms the land as well as a further 12 acres at Coity and 19 acres at Tremains Farm, Bridgend but lives 4 miles away in Bridgend. The agricultural building has been constructed to relocate implements etc. that were formerly stored on land and in farm buildings at Tremains Farm. The 10 acres of land and agricultural buildings at Tremains Farm have been acquired for development. The polytunnels will mainly be used for the growing of flowers and vegetables with ancillary lambing during adverse weather conditions. A supporting letter from the agent states that the building is used for hay and cattle housing.

PLANNING HISTORY

None.

CONSULTATIONS

Llangan Community Council - Were consulted on 18th February, 2005 and re-consulted on 24th March, 2005. The Community Council has no objection to the proposal although they note that the buildings have already been erected and there is a discrepancy between the number of polytunnels (2 x 108m²) and the total area of the polytunnels quoted in the application form (324m²). The Community Council followed up their initial comments with another letter confirming that they are not opposed to the development but express their concern that this is a retrospective application to regularise an unauthorised development.

The Head of Visible Services (Highway Development) - Was consulted on 18th February, 2005. "The Highway Authority has no objection in principle, subject to the applicant satisfying the following conditions:

The access to the polytunnels is through an existing entrance which has adequate visibility and gates are set well back from the carriageway.

There are no specific conditions I wish to request, from the Highway Authority standpoint, on any grant of planning permission with regard to this planning application."

The Director of Legal and Regulatory Services (Environmental Health – Pollution Control) – Was consulted on 18th February, 2005 and re-consulted on 24th March, 2005. "This department has no comment to make regarding this application."

The Environment Agency – Were consulted on 18th February, 2005. A copy of their standard advice for developers was received.

The Council's Agricultural Consultant – Was consulted on 18th February, 2005 and re-consulted on 22nd March, 2005. An appraisal had been requested to assess the proposal in accordance with planning guidance and policy and specifically to assess the agricultural need for the proposed buildings.

"There is little agricultural enterprise on the holding. The grass is cut for hay, the polytunnels are used for flowers and vegetables. It is not clear whether the 'crop' constitutes agriculture, since the reference to 'own use' is borne from an apparent misconception of the planning rules. In any event, the production is apparently fairly low. There are two domestic horses kept and no sheep – again, the reference to sheep being housed in the polytunnels was borne from a misconception of the planning rules. There are plans to buy livestock, but these plans are at an early stage.

We have considered the following points:

Does the existing enterprise present a sufficient agricultural need for the proposed buildings? The presented need for the barn is for the storage of machinery and implements, together with hay. Certainly there is sufficient land to harvest hay, but this could be stored otherwise than in the structure proposed. Whether or not the applicant has substantive machinery and implements, a holding of 50 acres of bare land does not warrant excessive quantities and again, there is no justification for the proposed building for this purpose. The crops from the polytunnels are either for their own use (in which case not for agriculture and not associated with any neighbouring domestic purpose), or for agricultural use. We have assumed, despite the applicant's clear statement to the contrary, that the crop is for agricultural use, but there is insufficient evidence presented to show a sustainable agricultural need for these buildings.

Does the proposed enterprise indicate such a need and is reasonably likely to materialise? The proposed stock numbers are unknown and in any event, there is insufficient evidence to show that the proposed purchases are reasonably likely to materialise. In conclusion, we can find no agricultural justification for the proposed buildings."

Following receipt of the agent's supporting letter, the Agricultural Consultant confirms that there are inconsistencies between the information provided by the applicant in terms of the amount of land farmed/owned by the applicant and the use of the barn. "The application is confused and there remains substantial doubt that there is any agricultural need for the buildings."

A full copy of the appraisal has been included as Appendix A to this report.

REPRESENTATIONS

Neighbouring occupiers -Were notified on 18th February, 2005 and re-notified on 24th March, 2005 and the application was advertised on-site and in the press on 15th March, 2005 as affecting a public footpath.

The occupier of Molchennydd Farm noted that the original red outline included his farm buildings (an amended site location plan was submitted) and also has reservations relating to the impact of the polytunnels on the countryside and their possible future use as a 'market garden' with additional traffic.

REPORT

The application seeks retrospective consent for the erection of an agricultural storage building and polytunnels on land adjacent to Molchennydd Farm, Treoes.

The site forms part of the open countryside and the proposal is for an agricultural/horticultural development. Therefore the proposal can be assessed against Policies ENV1 – Development in the Countryside, ENV2 – Agricultural Land, ENV2 – Agricultural Land, ENV25 – Design of New Developments, EMP8 – Farm Diversification and EMP9 – Agricultural Enterprise and Associated Development of the adopted Vale of Glamorgan Unitary Development Plan 2005, Planning Policy Wales (March 2002) and advice contained within TAN 6 Agricultural and Rural Development (2000).

The proposal represents an agricultural/horticultural development in the countryside. Policy ENV1 states:

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

- (i) DEVELOPMENT WHICH IS ESSENTIAL FOR AGRICULTURE, HORTICULTURE, FORESTRY OR OTHER DEVELOPMENT INCLUDING MINERAL EXTRACTION, WASTE MANAGEMENT, UTILITIES OR INFRASTRUCTURE FOR WHICH A RURAL LOCATION IS ESSENTIAL.
- (ii) APPROPRIATE RECREATIONAL USE.
- (iii) THE RE-USE OR ADAPTATION OF EXISTING BUILDINGS PARTICULARLY TO ASSIST THE DIVERSIFICATION OF THE RURAL ECONOMY.
- (iv) DEVELOPMENT WHICH IS APPROVED UNDER OTHER POLICIES OF THE PLAN.

Policy EMP9 states:

PROPOSALS FOR DEVELOPMENT ON AGRICULTURAL LAND WILL BE PERMITTED IF THE PROPOSAL:

- (i) IS NECESSARY FOR THE PURPOSES OF AGRICULTURE WITHIN THE AGRICULTURAL UNIT.
- (ii) IS DESIGNED SPECIFICALLY FOR AGRICULTURAL PURPOSES.
- (iii) IS COMPATIBLE WITH THE SURROUNDING LANDSCAPE, ADJACENT LAND USES, AND ANY EXISTING RELATED STRUCTURES IN TERMS OF SCALE, SITING, DESIGN AND EXTERNAL APPEARANCE OF ANY NEW BUILDING OR EXTENSION TO EXISTING BUILDINGS.
- (iv) DOES NOT HAVE AN UNACCEPTABLE IMPACT ON AREAS OF ECOLOGICAL, WILDLIFE, GEOLOGICAL AND GEOMORPHOLOGICAL, ARCHAEOLOGICAL OR LANDSCAPE IMPORTANCE.

The Agricultural Consultant has concluded that there is no reasonable justification for the development of the storage building and the two polytunnels. It is evident that the buildings are not necessary for the purposes of agriculture within the agricultural unit as they are being used to store machinery decanted from another holding and any hay produced on these 50 acres in the future could be stored elsewhere. The crops (vegetables and flowers) produced in the polytunnels are stated as being for the applicant's own use only, in which case the crops are not for agricultural purposes. However, it can be assumed that the crop is for agricultural use but there is insufficient evidence to show a sustainable agricultural need for the buildings now or in the future.

Therefore, it is considered that the proposal is contrary to the aims and objectives of Policies ENV1 and EMP9 of the UDP.

The site lies within the countryside and the buildings are divorced from any other structures. It is considered that the buildings are poorly located on the site in a very visible and open area. This is contrary to advice contained within Planning Policy Wales and Policies ENV25 and EMP9 of the UDP that aim to secure developments that are compatible with the surrounding landscape in terms of scale, siting, design and appearance.

Having regard to the above, the following recommendation is made.

04022

RECOMMENDATION (W.R.)

The Director of Legal and Regulatory Services be authorised to take all necessary action, including action under Section 172 of the Town and Country Planning Act 1990 (as amended) to ensure that the unauthorised agricultural building and polytunnels as built are removed and the land restored to its former condition.

REFUSE

Reason(s):

1. The agricultural storage building and polytunnels, by reason of their scale, size, design and location are considered to be unjustified in the interests of agriculture. The development of the site represents an unacceptable and unsustainable form of development in the countryside, causing serious harm to the character and appearance of the area. The proposal is therefore contrary to the aims and objectives of Policies ENV1 and EMP9 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and Planning Policy Wales (2005).

Abdul Rouf, 21, Lavernock Road, Penarth, Vale of Glamorgan.
(I. P. Brindley, Suite 17, World Trade Centre, Cardiff International Arena, Cardiff.
CF10 2EQ)

51, PILL STREET, PENARTH

Change of use from hairdressing salon to hot and cold take-away shop

SITE DESCRIPTION

A two storey end of terrace unit at No. 51, Pill Street, Penarth.

The ground floor is currently used as a hairdressers with a one bed flat above.

The property lies at the junction of Pill Street and Little Dock Street within the residential settlement boundary of Penarth, and the Pill Street neighbourhood shopping area. The unit is adjacent to the Post Office.

DESCRIPTION OF DEVELOPMENT

Planning permission is sought to change the use of the premises from A1 (Hairdressers) to A3 (Hot and Cold Food Takeaway). No physical alterations are proposed to the shop front and the 1st floor flat will be retained as existing. There is one other takeaway in the street. The agent has confirmed that the applicant is willing to accept a condition limiting the operating time of the premises to 10.00 p.m. No off-street parking spaces are provided as part of the proposal.

PLANNING HISTORY

98/00699/FUL - First floor extension to form bedroom to rear flat roof kitchen.
Approved 21st August, 1998.

95/00101/FUL - Change of use to restaurant/cafe/teria from shop/salon. Refused
24th March, 1995.

93/01231/FUL - Change of use to Class A3 (food and drink) from shop/salon.
Refused 15th November, 1994.

91/01231/FUL - Change of use from unisex hair studio to Indian Takeaway for
service up to 11.30 p.m. Refused 4th February, 1992.

CONSULTATIONS

Penarth Town Council - Were consulted on 14th April, 2005. Their initial
comments are as follows:

“That the application should be approved.”

Their follow up letter included the following comments:

“Having considered the letter from the applicant dated 24th May, 2005 the Town Council has reviewed its observations on this application and is now of the opinion that the application should be refused for the following reasons:

1. The proposal is likely to constitute a source of nuisance thereby having an unacceptable effect on the residential amenities of the locality by reason of the likelihood of noise and general disturbance.
2. The stated intention of the applicant to draw upon clientele from outside the immediate area is likely to increase vehicular traffic in small residential streets thereby contributing to general disturbance and noise.

The Director of Legal and Regulatory Services (Environmental Health – Pollution Control) – Was consulted on 14th April, 2005. Comments relating to odours, noise, mechanical extraction of fumes, drainage, hours of opening, changing/washing facilities and waste storage were received. Their full comments are included as Appendix A to this report.

The Head of Visible Services (Highway Development) - Was consulted on 14th April, 2005. “The Highway Authority has no objection in principle, subject to the applicant satisfying the following conditions:

- It would be a normal requirement to provide parking and turning for both customers and delivery vehicles, however, because of this location and the lack of much passing trade, we have no concerns from the Highway Authority perspective.
- There are no specific conditions I wish to request, from the Highway Authority standpoint, on any grant of planning permission with regard to this planning application.

REPRESENTATIONS

Neighbouring occupiers were notified on 14th April, 2005. The occupiers of nos. 48, 49, 50, 51, 52, Pill Street, 2 and 6 Harriet Street and No. 6, Little Dock Street have objected to the proposal on the following grounds:

- An increase in the amount of litter, anti-social behaviour, noise, odours and fumes.
- Depreciation in property value.
- Lack of parking and disruption to residents.
- Competition to the existing takeaway on the opposite side of the street.

A 600 name petition has also been submitted against this proposal and is prefaced by the following comments:

“We are writing to strongly object to the planning application for changing our local hairdressing salon into another hot and cold takeaway shop. Listed below are signatures of members of the public which object to the application.”

Four letters that are generally indicative of the points raised are attached as Appendix B to this report. All other letters and the petition are retained on file for the inspection of Members.

Councillor Wilson has requested that this application be referred to Planning Committee in view of the local concerns.

REPORT

The proposal can be considered against Policies SHOP9 – Protection of Retail Uses and SHOP10 – New Takeaway Outlets of the adopted Vale of Glamorgan Unitary Development Plan 2005. The area is classed as a neighbourhood shopping area within the UDP. Policy SHOP9 favours the retention of A1 uses within local and neighbourhood centres. The policy would therefore favour the retention of the hairdresser that is seen as serving the local community. In terms of hot food takeaways, policy SHOP10 recognises that A3 uses can give rise to different issues. These include hours of operation, scale, smells, litter and noise pollution and traffic generation.

The latest residential floorspace survey (April 2005) indicates that there is very little in the way of retail provision in the area with only five businesses, including the current address, operating in the neighbourhood centre. These are a bakers, a Chinese takeaway, a sub post office, a hairdressers and a newsagent. The proposed change of use will have a significant impact on the range of facilities currently available to local residents.

Although the agent has confirmed that his client is willing to accept a restriction of 10.00 p.m., the site is in a predominantly residential area and the use is likely to cause disruption to neighbouring occupiers through odours, fumes, noise, litter and traffic generation.

Having regard to the above, the following recommendation is made.

04023

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed change of use to a takeaway within Class A3 would result in a loss of a Class A1 retail unit within the designated Neighbourhood Shopping Area, contrary to Policy SHOP9 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

2. The proposed change of use to a takeaway within Class A3 would be contrary to the aims of Policy SHOP10 of the adopted Vale of Glamorgan Unitary Development Plan 2005 as the takeaway use would generate an unacceptable degree of noise and disturbance in the area and the use would be likely to exacerbate existing parking problems and result in short-term on-street parking along the side roads which would unacceptably affect the safety and free flow of traffic, to the detriment of highway and pedestrian safety.

Mr. & Mrs. R. H. Rees, St. Hilary, The Westra, Dinas Powys, Vale of Glam. CF64 4HA
(Harvey Planning & Dev. Ltd., 16, Speedwell Drive, Rhoose, Vale of Glamorgan. CF62 3HS)

LAND BETWEEN ROSE COTTAGE AND ST. DAVIDS, THE WESTRA, DINAS POWYS

Outline application for one residential dwelling (renewal of planning permission 98/01236/OUT)

SITE DESCRIPTION

The application site comprises an existing stable block and paddock located within the curtilage of an existing dwelling house "St. Hilary" an area that lies between "Rose Cottage" and "St. David's".

DESCRIPTION OF DEVELOPMENT

This is an outline application for the construction of a detached dwelling. Initially all matters other than access were reserved, however, following a formal request under Article 3(2) of the Town and Country Planning (General Development Procedure) Order 1995 for further information in respect of siting, access, levels, possible demolitions and trees, means of access has now been reserved with details submitted of the siting of the dwelling and confirmation that all trees will be retained along with the existing barn which will form part of the residential curtilage of the proposed dwelling.

PLANNING HISTORY

82/02703/FUL – Conversion of stables to dwelling. Approved subject to conditions 15th March, 1983.

86/00098/FUL – Renewal of 82/02073/FUL for conversion of stable to dwelling. Approved 11th March, 1986 subject to conditions including the detailed plans shall show due regard to the rural character of the site and none of the existing trees, on site or adjoining highway verge, be felled without consent.

95/00702/OUT – Development of executive houses. Refused 17th October 1995 on the grounds of insensitive and inappropriate form of infilling which would harm the character and appearance of the area; failure to demonstrate satisfactory highway design standards; and additional traffic would be detrimental to highway safety. A subsequent appeal to the Welsh Office was dismissed on 6th March, 1996.

98/01236/OUT – One dwelling on land between Rose Cottage and St. David. Approved in outline 29th January, 1999 subject to conditions including details of enclosure; finished floor levels; drainage details; car parking; and removal of permitted development rights.

01/01473/FUL – Variation of Condition No. 2 attached to planning permission 98/01236/OUT for one residential dwelling. Approved 1st February, 2002 subject to conditions including approval of reserved matters before 29th January, 2004; details of enclosure; finished floor levels; drainage details; car parking; access in accordance with agreed details and removal of permitted development rights.

03/00723/OUT – Residential development for two dwellings. Refused 25th March, 2004 for the following reason:

“In the opinion of the Local Planning Authority, the proposal represents an unacceptable consolidation of ribbon development outside the residential settlement boundary for Dinas Powys, which would detract from the attractive open and spacious appearance of the site and cause demonstrable harm to the rural character of the wider area, contrary to Policies EV3, EV4, H10 and H18 of the South Glamorgan Structure Plan Proposals for Alteration No. 1 1989; Policies ENV1, Hous2, HOUS 3, HOUS9 and HOUS12 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) and national guidance contained within Planning Policy Wales March, 2002”.

A subsequent appeal was dismissed on 5th January 2005. A copy of the Inspectors Decision is reproduced at Appendix A.

CONSULTATIONS

Dinas Powys Community Council – “We note that Planning Consent (Outline) was granted **seven** years ago”.

Environment Agency – Submitted standard Guidance Note for Developers only.

Welsh Water – Have requested standard drainage conditions on any grant of consent plus notified that the site is crossed by a public sewer and that no part of the proposed building will be permitted within 3 metres of either side of the sewer.

The Director of Legal and Regulatory Services (Environmental Health) – No comment.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 15th April, 2005 and renotified of additional information on 27th July, 2005. A letter of concern relating to the footpath indicated on the proposed access has been submitted by the occupier of Rose Cottage. A letter of objection has been submitted by the occupier of St. David which refers to the change in policy circumstances following the Public Inquiry into the Unitary Development Plan. A copy is reproduced at Appendix B for Committee Member’s inspection.

REPORT

It will be noted from the planning history that planning permission has previously been granted for the conversion of the stables to residential, reference 82/02073/FUL, renewed in 1986, plus an outline consent for a new dwelling on the site, reference 98/01236/OUT, renewed in 2002. All of these permissions have now time expired. The objector at St. David is therefore correct in questioning the description of the development, in that it is not the renewal of an extant consent but an entirely fresh application for the development of the site for one dwelling. As such the presumption in favour of the renewal of an extant permission does not exist in this instance.

Notwithstanding this it is noted that there has been a material change in the policy background to the proposal. When permission was first granted in January 1999 the development complied with the policy at that time being considered an appropriate infill within the residential settlement boundary defined in both the adopted East Vale Local Plan 1987 and the Vale of Glamorgan Local Plan Deposit Draft 1995 (as amended). When the permission was subsequently renewed in February 2002 this was on the basis that there had been no material change in the policies for the area. Since that time however there has been a significant change to the adopted policy for the area.

The first point to note is the Unitary Development Plan Public Inquiry Inspector's decision in relation to the residential settlement boundary in the area. With representations submitted in relation to the position of the settlement boundary in the area the Unitary Development Plan Inspector examined this issue and recommended that the Dinas Powys residential settlement boundary be revised to exclude all properties west of St. Andrews school. In his reasoning he stated:-

“Notwithstanding that the Council have accepted residential development on part of this area I consider the need to protect this area and the open countryside between Barry and Dinas Powys from further development is overriding”.

He expressed concern over the consolidation of development in the area which would promote the loss of openness that currently exists between Barry and Dinas Powys.

The UDP Inspectors recommendation was accepted by the Council and the application site is now excluded from the settlement boundary in the recently adopted Vale of Glamorgan Unitary Development Plan 2005. As such the following Policies are relevant. Policy ENV1 refers to Development in the Countryside and states that it will only be allowed in certain circumstances as outlined including development essential for agriculture; appropriate recreational use; re-use and adaptation of existing buildings; and development approved under other Policies of the plan. Policy HOUS3 carries a restriction against new dwellings in the countryside unless justified in the interests of agriculture or forestry. National guidance is contained within Planning Policy Wales March 2002. Paragraph 9.3.6 states that new housing in the countryside away from established settlements should be strictly controlled. Paragraph 9.3.1 requires that new housing should be well integrated with and connected to the existing pattern of settlements. “The expansion of towns and villages should avoid

creating ribbon development, coalescence of settlements or a fragmented development pattern”.

In assessing the proposal against the above Policies and guidance consideration should also be given to the appeal decision on the recent refusal for two dwellings on a slightly larger site area than the present application. In considering that appeal the Inspector noted that the main issue was “the effect the project would have upon the character and appearance of the area”. It is considered that this is also the primary issue in the determination of the current application. It is argued that the Inspectors conclusion in respect of the earlier proposal for two is just as relevant to the consideration of the one dwelling now proposed. The Inspector noted that the site is distinctly rural in character, “... forming a rural break between residential groups”. This is certainly still the case with the site accommodating a stable and paddock, plus the land on the opposite side of the road also being rural in nature. In the Inspectors view the development of the site would erode the rural break and consolidate housing beyond its current defined boundaries which in turn would harm the character and appearance of the area. This view is considered valid and to apply equally to the current proposal. Thus it is considered that the current application does not comply with the adopted Unitary Development Plan Policies ENV1 and HOUS3 and is also contrary to national guidance in Planning Policy Wales.

It is also noted that the appeal Inspector went further and considered the argument for residential development which could be claimed as being closely related to defined settlement boundaries. He dismissed such an argument and it is considered that the current proposal is also not supported by that Policy.

As regards issues other than policy it is noted that the Council’s Highway Engineer has no objection in principle. The Council’s Tree Officer however has expressed concern over the proposed siting considering it to be too close to 2 No. mature Sycamores. Notwithstanding this there are no objections in principle.

In conclusion it is considered that the proposal is contrary to the adopted Policies for the area and will result in the consolidation of residential development in this countryside location adversely affecting its character and rural setting.

In view of the above the following recommendation is made.

04029

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. In the opinion of the Local Planning Authority the proposal represents an unacceptable consolidation of ribbon development outside the residential settlement boundary for Dinas Powys which would detract from the attractive open and spacious appearance of the site and cause demonstrable harm to the rural character of the wider area, contrary to Policies ENV1 and HOUS3 to the adopted Vale of Glamorgan Unitary Development Plan 2005 and national guidance contained within Planning Policy Wales March 2002.

05/00610/FUL

Received on 18th April, 2005

Mr. Carl Terry, Church Cottage, Llanmaes, Vale of Glamorgan. CF61 2XR
(Mr. Carl Terry, Church Cottage, Llanmaes, Vale of Glamorgan. CF61 2XR)

MEADOWVALE NURSERY, LLANTWIT MAJOR ROAD, LLANTWIT MAJOR

Change of use from wholesale nursery to retail garden centre

SITE DESCRIPTION

The application site relates to approximately 4.8 hectares of land to the north of Llantwit Major on the Cowbridge Road (B4270). The site currently accommodates a wholesale nursery and pony paddocks.

The site lies within the open countryside outside the residential settlement boundary for Llantwit Major. It is bounded by the B4270 to the east, a watercourse to the south and a public footpath to the north. The site is accessed via a long private drive off the main road at the south-east corner of the site.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission to change the use of a wholesale horticultural nursery and adjoining fields into a retail garden centre (A1 retail use class). It is proposed to construct a new 10m wide entrance from the main road giving access to a new 6m wide driveway into the site.

Illustrative drawings have been submitted showing the potential future development and layout of the site and proposed garden centre with a footprint of approximately 10,000 sq. ft. The applicant expects that 20 to 30 full time positions will be created within the first 12 months. The illustrative plans also show a lake, car parking for 80 vehicles, landscaping and a walkway. The garden centre will include an ancillary tea/coffee shop. The pony paddock to the north-east corner of the site is retained.

PLANNING HISTORY

00/01034/FUL - 3 new buildings : toilet block, wormery, storage/barn. Approved 3rd November, 2000.

95/00634/FUL - To erect poly-tunnels and building in association with horticultural nursery and to erect windbreak around new tunnels. Approved 21st August, 1995.

CONSULTATIONS

Llantwit Major Town Council - Was consulted on 4th May, 2005. "No objection."

The Head of Visible Services (Highways Development) - Was consulted on 4th May, 2005. "The Highway Authority has no objection in principle, subject to the applicant satisfying the following conditions:

A turning facility and parking provision in accordance with the South Wales Counties Parking Guidelines shall be provided within the curtilage of the site (for each unit) and retained thereafter. Vehicles must be able to enter and exit the site in a forward gear.

Visibility splays of 9m x 120m in both directions, measured from the centre line of the proposed access, shall be provided. Nothing, which may cause an obstruction to visibility shall be placed, erected or grown in this visibility splay.

Any works on the existing highway must be constructed at the applicants expense. All works in connection with this proposal must be carried out at the applicant's expense and shall not commence without prior consultation with the Highways Traffic Section. The applicant is required to contact Mr. Peter Coughlan to agree construction details."

The Director of Legal and Regulatory Services (Environmental Health – Pollution Control) – Was consulted on 4th May, 2005. "This department has no comment to make regarding this application."

The Head of Economic Development and Leisure – Was consulted on 4th April, 2005. "From an Economic Development perspective, I am supportive of opportunities to create locally based employment related to the local rural economy. This, in principle, would support the Council's current rural regeneration programmes.

However, this proposal is for general retail provision, not related to specific local producers, and as such the viability of existing retail centres in Llantwit Major and Cowbridge needs to be considered. If an assessment of locations in these towns fails to identify a realistic opportunity to satisfy the market, then I would fully support the proposed use at its proposed location.

To be realistic, an alternative location would need to accommodate the full business model proposed, including the 'leisure' activities outlined, as this would be part of the 'offer' to attract customers. In my previous discussions with the applicant, I recommended that a comprehensive professional case is made for the proposal. I am surprised to see a simple change of use application, and wonder whether this should be more appropriately dealt with as a detailed proposal."

The Head of Visible Services (Operational Manager Engineering Design) - "A watercourse passes on the boundary of the proposed development and it may be affected by the proposals. The developer will be required to maintain flows within the watercourse, during and after the works, and should be requested to submit appropriate details showing proposals to maintain the same to the Local Planning Authority prior to the commencement of any works. Any culverting/bridging of the watercourse will require the approval of the Environment Agency, as well as this Council as Land Drainage Authority, and the Developer should submit appropriate details for the necessary approvals prior to commencement of works."

REPRESENTATIONS

Neighbouring occupiers were notified on 4th May, 2005. No objections were received.

The Country Land & Business Association, Jane Hutt AM, Alun Cairns AM and John Smith MP have all written in support of the application and the proposal, highlighting the positive contribution to the local economy and the proposed access improvements which would improve highway safety.

Their letters are attached as Appendix A to this report.

REPORT

The application seeks consent to change the use of a wholesale horticultural nursery and adjoining fields into a retail garden centre (A1 retail use class) at Meadowvale Nursery, Llantwit Major. It is also proposed to construct a new and improved access into the site. Although the application has been submitted in outline, illustrative submissions identify that the garden centre will incorporate new retail buildings and a landscaped 'wildlife lake', and will eventually include an ancillary tea/coffee shop with 80 car parking spaces. Although the applicant has confirmed that the existing pony paddock is to be retained to the north east corner of the site, the application site boundary includes this area and covers 4.8 Ha of land in total.

It should be noted that the nursery is currently a relatively low intensive use of the site with few buildings in the countryside that blend in well with the surrounding area and is screened from the main road. The previous planning history for this site only relates to approximately 2.76 hectares of land and this application almost doubles the area that forms part of the application to 4.8 hectares. Therefore, it is possible that any future development would significantly increase the built-up nature of the site and degrade the open character of the nursery.

The site forms part of the open countryside and the proposal is for a retail development outside the recognised shopping centres of the Vale of Glamorgan. Therefore the proposal can be assessed against Policies ENV1 – Development in the Countryside; ENV2 – Agricultural Land; ENV9 – Conservation of the Countryside; ENV10 – Protection of Landscape Features; ENV25 – Design of New Developments and SHOP12 – New Retailing Developments Outside Shopping Centres of the adopted Vale of Glamorgan Unitary Development Plan 2005, Planning Policy Wales (March 2002) and advice contained within TAN 6 Agricultural and Rural Development (2000).

The proposal represents a retail development outside a district shopping centre. Policy SHOP12 states:

PROPOSALS FOR NEW RETAIL DEVELOPMENT OUTSIDE EXISTING TOWN AND DISTRICT SHOPPING CENTRES WILL BE PERMITTED IF ALL OF THE FOLLOWING CRITERIA ARE MET:

- (i) THE PROPOSAL EITHER SINGULARLY OR CUMULATIVELY WITH OTHER EXISTING OR APPROVED DEVELOPMENTS WILL NOT DETERMINE THE VITALITY, ATTRACTIVENESS AND VIABILITY OF THE TOWN AND DISTRICT SHOPPING CENTRES OR THE RETAIL DEVELOPMENTS PROPOSED IN POLICY SHOP3;
- (ii) THERE ARE NOT SUITABLE TOWN, DISTRICT OR EDGE OF CENTRE SITES AND IN THE CASE OF OUT OF TOWN PROPOSALS, THERE ARE NO SUITABLE TOWN, DISTRICT, EDGE OF CENTRE OR OUT OF CENTRE SITES ('THE SEQUENTIAL TEST');

- (iii) THE PROPOSAL WILL NOT HAVE AN UNACCEPTABLE EFFECT ON THE ACHIEVEMENT OF AN ACCEPTABLE SUPPLY OF BUSINESS/INDUSTRIAL LAND AS IDENTIFIED IN POLICY EMP 1;
- (iv) THE PROPOSAL IS WELL LOCATED TO PUBLIC TRANSPORT, THE NEEDS OF THE NON-CAR TRAVELLER AND THE MAIN ROAD NETWORK;
- (v) THE HIGHWAY NETWORK IS CAPABLE OF ACCOMMODATING THE TRAFFIC GENERATED BY THE PROPOSAL WITHOUT AN UNACCEPTABLE ADVERSE EFFECT ON TRAFFIC FLOWS AND PATTERNS, SAFETY, ENERGY USE OR OTHER EMISSIONS;
- (vi) CAR PARKING AND SERVICING FACILITIES ARE IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES;
- (vii) ADEQUATE UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED;
- (viii) THE PROPOSAL DOES NOT RESULT IN THE LOSS OF GRADES 1, 2 OR 3A AGRICULTURAL LAND OR HAVE AN UNACCEPTABLE EFFECT ON AREAS OF ECOLOGICAL, GEOLOGICAL, GEOMORPHOLOGICAL, WILDLIFE IMPORTANCE, LANDSCAPE PROTECTION OR ARCHAEOLOGICAL INTEREST;

The applicant has not carried out a Sequential Test Analysis of sites within neighbouring towns, district or edge of centre sites such as Llantwit Major or Cowbridge and has not demonstrated the need for this enterprise in this particular location. This current application is solely for the change of use of the existing nursery and surrounding land into a retail garden centre with a new access. However, if this application is approved, a further application will be submitted for new retail units, a lake, car parking, landscaping and an ancillary coffee shop. It is considered that this countryside location is not suitable for a more intensive retail use of the land which would not only increase the impact of built development in the countryside, but also fundamentally alter the character and appearance of the site, as well as the manner in which people would visit it. Policy ENV1 states that planning permission will only be granted for development which is "essential for agriculture, horticulture, forestry or other development... for which a rural location is essential." This is not the case as the Garden Centre would represent an unnecessary development in the countryside, contrary to the policy and Planning Policy Wales.

With regard to visible impact, the proposal would also require a significant new central access with 9m x 120m visibility splays, the result of which would be the loss of a substantial amount of hedgerow, to the severe detriment of the countryside. This would not be mitigated by replacement planting, such that the proposal is contrary to Policy ENV10.

The applicant has not demonstrated a need for the re-development of the site and has not examined if there are other sites within existing centres capable of accommodating this venture, contrary to criteria (ii) of Policy SHOP12 and Planning Policy Wales. The future development of the whole site (4.8 Ha.) for retail use is also likely to undermine the vitality, attractiveness and viability of Llantwit Major and Cowbridge Town Centres, contrary to criteria i) of Policy SHOP12 and Planning Policy Wales. The site is also in a potentially unsustainable location as its out of centre location would encourage car use, generate traffic and specific visits by customers without a realistic public transport alternative, contrary to the aims and objectives of Planning Policy Wales.

Whilst the projected growth of the enterprise might benefit the local economy through the employment of local people, the intended future development of the site would have highway implications, would generate pressure for other ancillary uses and would be incongruous and insensitive new development in the countryside.

Consideration of this application was deferred at the previous Committee Meeting (on 27th July, 2005) to enable Committee Members to inspect the site. It is anticipated (at the time of writing) that this site inspection will take place on 1st September, 2005.

04002

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed retail enterprise, by reason of its scale and location, is considered to be unjustified in the interests of agriculture or horticulture, while the future development of the site would represent an unacceptable and unsustainable form of development in the countryside, causing serious harm to the character and appearance of the area while failing to demonstrate that there would be no harm to the vitality and viability of local established shopping centres. The proposal is therefore contrary to the aims and objectives of Policies ENV1, ENV9, ENV10 and SHOP 12 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and Planning Policy Wales (2005).

WM Morrison Supermarkets Plc., Property and Dev. Division, Hilmore House,
Thornton Road, Bradford. BD8 9AX
(Peacock & Smith, Suite 2A, Joseph's Well, Hanover Walk, Leeds. LS3 1AB)

UNIT 2, WATERFRONT RETAIL PARK, HEOL CEINIOG, BARRY

Application to alter Condition No. 14 of planning permission 94/00144/OUT to allow the unrestricted sale of non-food goods from no more than 25% of the sales area of Unit 2

SITE DESCRIPTION

An established retail unit constructed at the Waterfront.

DESCRIPTION OF DEVELOPMENT

To change restrictive conditions regarding the nature and sale of goods and the extent of retail floor area for these, for unit No. 2 as built. The application is supported by a Retail Assessment.

PLANNING HISTORY

94/00144/OUT – Comprehensive redevelopment of the Barry Docks area (part). Condition No. 14 states:

The retail element of the retail warehouse development hereby permitted shall not be used for the sale of:

- (a) Clothing and footwear.
- (b) Fashion Accessories.
- (c) Jewellery.
- (d) Cosmetics and Toiletries.
- (e) Pharmaceutical products unless agreed otherwise with the Local Planning Authority.

Reason:

To control the scale and type of the retail elements of the scheme.

CONSULTATIONS

Barry Town Council – Comments awaited.

REPRESENTATIONS

None received following site notice.

REPORT

The application seeks to extend the range of goods which could be sold from Unit No. 2, including housewares, seasonal gardening/christmas, stationary, entertainment, toiletries, small electrical, ladies and children's clothing.

The application seeks, therefore, to allow the sale of all those goods currently restricted by Condition No. 14 but to restrict them to no more than 25% of the retail floor area of Unit No. 2. The information in the retail assessment has been fully analysed. It is noted that it only includes the impact regarding two extra presently restricted goods namely clothing and toiletries, and not the whole range. However the application seeks to remove the restriction on the range of goods but to limit their sale to no more than 25% of the retail sales area. This is unlikely to affect the viability and vitality of the Town Centre.

Given that almost the same relaxation has been granted for Unit No. 3 and the recent development of a store in Holton Road the impact and need arguments presented by the applicants agent's are accepted. The development does not conflict with the Council's adopted policy for the protection of existing retail centres.

It is considered therefore that Condition No. 14 could be amended as set out below in the recommendation.

04021

RECOMMENDATION

APPROVE subject to the following condition(s):

1. This permission shall relate only to the variation of Condition No. 14 of outline planning consent Ref. 94/00144/OUT in respect of Unit No. 2 in that no more than 25% of the retail sales area shall be used for the sale of:
 - (a) Clothing and Footwear.
 - (b) Fashion accessories.
 - (c) Jewellery.
 - (d) Cosmetics and Toiletries.
 - (e) Pharmaceutical products;

unless otherwise agreed by the Local Planning Authority and the proposed development at the Waterfront shall otherwise be carried out in accordance with the conditions, other than as formally varied, of the consent Ref: 94/00144/OUT unless the Local Planning Authority agrees any other formal variation.

Reason(s):

1. To safeguard the vitality, viability and attractiveness of Barry Town as a retail centre and to ensure that the redevelopment of Barry Waterfront is in accordance with agreed details.

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.

05/01073/OUT

Received on 4th July, 2005

Ms. C. Wride, C/o Agent.
(Boyer Planning Limited, 33-35, Cathedral Road, Cardiff. CF11 9HB)

LAND BETWEEN TY CADNO AND CHAPEL VIEW BARN, CLAWDD COCH

Construction of one dwelling

The application was advertised on 19th July, 2005

SITE DESCRIPTION

The application site relates to agricultural buildings and land at Clawdd Coch, Pendoylan. The site is approximately 0.1 hectare and lies to the east of the small rural village. It lies off a country road between a detached converted barn complex to the west (Chapel View Barn) and a detached dwelling to the east (Ty Cadno) and backs onto a small paddock.

It is designated as countryside and lies within the Ely Valley and Ridge Slopes Special Landscape Area.

DESCRIPTON OF DEVELOPMENT

The application seeks Outline Planning Permission to demolish the agricultural barn structures and construct a detached dwelling on land at Clawdd Coch. All matters are reserved for future approval.

PLANNING HISTORY

02/01333/OUT - Two pairs of semi-detached cottages. Refused 21st November, 2002.

CONSULTATIONS

Pendoylan Community Council - Were consulted on 15th July, 2005. "Pendoylan Council fully support this application."

Dwr Cymru/Welsh Water - Were consulted on 15th July, 2005 and advise:

"As the applicant intends utilizing private drainage facilities we as Network Development Consultants on behalf of Dwr Cymru Welsh Water have no comment to make on the above Planning Application. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application."

The Environment Agency - Were consulted on 15th July, 2005. Their standard advice and guidance was received.

CADW Welsh Historic Monuments – Were consulted on 17th March, 2005 and no comments have been received to date.

The Director of Legal and Regulatory Services (Environmental Health) – Were consulted on 15th July, 2005. No objection provided that any imported soils are assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority.

REPRESENTATIONS

Neighbouring occupiers were notified on 15th July, 2005 and the application was advertised on site and in the press on 19th July, 2005. No objections have been received to date. The occupier of Chapel View Barn has written in support of the application as it would “hopefully remove the dilapidated buildings joining my property and can only enhance the immediate and general neighbourhood of Clawdd Coch.”

REPORT

The application seeks outline consent for a residential development at Clawdd Coch, near Pendoylan. The site lies outside any identified Residential Settlement Boundaries, forms part of the open countryside and is within the Ely Valley and Ridge Slopes Special Landscape Area.

The proposal can be assessed against Policies ENV1 – Development in the Countryside, ENVXXX – Special Landscape Areas, ENV9 – Conservation of the Countryside, HOUS2 – Additional Residential Development and HOUS3 – Dwellings in the Countryside of the adopted Vale of Glamorgan Unitary Development Plan 2005 and Planning Policy Wales (March 2002).

As all matters are reserved for future approval, the main issue relates to the principle of siting a dwelling outside a settlement boundary, in the countryside within the Ely Valley and Ridge Slopes Special Landscape Area.

The site lies within Clawdd Coch, which is not identified as being among those settlements within the Vale that can be considered to be suitable for accommodating further residential developments. The justification for this is clarified within the accompanying text to Policy HOUS3 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

“Those rural villages not identified in Policy HOUS2 are considered not to have sufficient physical form or capacity to assimilate new residential development without having a detrimental impact on their existing character and environment. Additional residential development in certain villages will not be permitted in order to protect their character and appearance. Consequently these have been excluded from Policy HOUS2. Furthermore, the many groups of scattered and loose knit buildings in the Rural Vale cannot be regarded as settlements under the terms of Policy HOUS2. These are little more than pockets of dwellings and farmsteads lying in isolation in the countryside. Additional dwellings would be inappropriate in these locations unless justified in the interests of agriculture or forestry.”

Consequently, development within settlements other than those identified within policy would be considered to constitute development within the open countryside, with new housing being restricted only to housing that can be justified for the forestry and agricultural purposes. No such justification has been included within the application and it is assumed that the proposal is for private housing. Paragraph 9.2.18 of Planning Policy Wales states “new houses in the countryside away from existing settlements recognised in Unitary Development Plans “must be strictly controlled.” The applicant has sought to justify the proposal on the basis of paragraph 9.2.18, which also refers to sensitive infilling of small gaps, depending on character of the surroundings, pattern of development and accessibility. In this respect, it is considered that the site is of significant size (with a frontage of 40m), while its development could both adversely affect the agricultural/rural character of the site and village and result in the loss of an agricultural building in current use.

In terms of access, the area is served by an infrequent bus service and it is considered to be in an unsustainable location for a new dwelling, particularly in respect of the lack of facilities in the vicinity, contrary to Strategic Policy 2 of the Unitary Development Plan.

It should be noted that Ty Cadno is an agriculturally tied property and the adjacent Chapel View Barn is a converted stone building. The buildings on the application site would not be suitable for conversion to residential use under the terms of Policy ENV7 – Small Scale Rural Conversions.

The site lies within the Ely Valley and Ridge Slopes Special Landscape Area and Policy ENVXXX states that new development within or closely related to a special landscape area will be permitted where it can be demonstrated that it would not adversely effect the landscape character, landscape features or visual amenities of the area. In this instance, the proposal would result in the loss of rural agricultural buildings that reflect the rural, agricultural character of the locality and the construction of a domestic dwelling within the countryside for which no agricultural justification is made, nor can it be justified on the basis of advice in Planning Policy Wales. Policy ENV1 states that permission will only be granted in the countryside for development which is essential for agriculture, horticulture, forestry or other development for which a rural location is essential and that is obviously not the case in this instance.

Having regard to the above, the following recommendation is made.

04018

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposal, by reason of its location and significant size of site, would represent an unacceptable form of infill development in the countryside outside an identified settlement, that cannot be justified in the interests of agriculture and forestry and would cause demonstrable harm to the established rural character of the locality, which is designated as part of the Ely Valley and Ridge Slopes Special Landscape Area. Accordingly, the proposal would be contrary to Policies ENV1, ENVXXX (Special Landscapes Area), ENV9 and HOUS3 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and Planning Policy Wales (2002).

05/01097/FUL

Received on 8th July, 2005

Mr. and Mrs. E. Thomas, Raisemere, Park Road, Penarth, Vale of Glamorgan.
(GAP Architects, White Holm, South Road, Sully, Vale of Glamorgan.
CF64 5SP)

RAISMERE, PARK ROAD, PENARTH

Alteration of single rear bedroom window to two smaller windows

SITE DESCRIPTION.

The application site is Raisemere, Park Road, Penarth. The property is a detached dwelling, located near to the junction of Park Road and Bridgeman Road.

DESCRIPTION OF DEVELOPMENT

The application proposes the retention of two windows on the rear, north elevation of the property at first floor level, serving a bedroom. Planning permission was granted for an extension to the property in 2005 (Ref: 04/01720/FUL). As part of this earlier proposal, the applicant proposed the insertion of an additional window into an existing wall to serve a bedroom. Instead of creating the window opening as indicated on the approved plans, the applicant has inserted two smaller windows in this approximate position. The windows have been inserted into the elevation of the dwelling that faces towards the garden of the neighbouring property of Ty Zaria.

PLANNING HISTORY

04/01720/FUL- First floor extension. Approved 28th January, 2005.

CONSULTATIONS

Penarth Town Council – Was consulted on the 15th July, 2005. No representations have been received to date.

REPRESENTATIONS

The neighbouring properties of Ty Zaria, Silverdale and the new dwelling adjacent to Robinswood were consulted in respect of this application on the 15th July, 2005. Two letters of objection have been received from the occupiers of Ty Zaria and Silverdale. The objection letters are attached as Appendix A however the objections are summarised as follows:

- Increased overlooking to the rear garden of Ty Zaria.
- An excessive number of windows on the elevation facing the garden of Ty Zaria.
- An excessive amount of work has been carried out to dwellings in the vicinity in recent years.

Councillor Maureen Kelly-Owen has requested that this application be referred to Planning Committee for determination.

REPORT

Policy ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005 is relevant to this application in that it relates to the design of new developments. The policy states that proposals for new development should be of a high standard of design and have full regard to the context of the local, natural and built environment and its special features.

In terms of design and the appearance of this elevation, the current proposal to retain the two windows varies only slightly from the approved scheme that contained a single window and is therefore considered to be acceptable.

The primary issue to be assessed is considered to be the potential impact of the additional window on the privacy and residential amenities of the neighbouring property of Ty Zaria. The windows have been inserted into the north elevation of the property at a point approximately 4m from the boundary with Ty Zaria. This elevation of Raismere is positioned at an angle to the southern boundary of the garden of Ty Zaria, which is lined by trees which provide an element of screening between the two properties.

The windows measure 0.3m in width x 0.8m in height whereas the window as indicated on the approved plans of application 04/01720/FUL measured 0.5m wide x 0.8m in height. Whilst an additional window has now been inserted, the area of glazing that has been inserted is minimally greater than the initially proposed single window. Furthermore, it is considered that the insertion of two narrower windows would not give rise to a greater level of overlooking to the rear garden of Ty Zaria than the single window.

It is therefore considered that subject to a condition requiring the two windows to be obscurely glazed at all times, the proposal would not unacceptably impact on the privacy of the neighbouring property.

04020

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The two bedroom windows at first floor level on the rear, north elevation of the property shall be obscurely glazed within one month of the date of this approval and shall be so maintained at all times thereafter.
2. No additional windows shall be inserted into the north, rear elevation of the property without the prior written consent of the Local Planning Authority.

Reason(s):

1. In order to protect the privacy of the occupiers of the neighbouring property.
2. In order to protect the privacy of occupiers of the neighbouring property.

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.

05/01165/FUL

Received on 21st July, 2005

Mr. and Mrs. George, C/o Agent.
(G. Powys Jones The Maltings, East Tyndall Street, Cardiff Bay, Cardiff. CF1 5EA

MILL FARM, MONKNASH

Proposed new porch, erection of garage/store, modification of access and extension of residential curtilage

The development/property is situated within/adjoining the Monknash Conservation Area.

The application was advertised on 3rd August, 2005.

SITE DESCRIPTION

A former barn conversion on the edge of Monknash.

DESCRIPTION OF DEVELOPMENT

A full planning application seeking to:

- Extend the authorised residential curtilage of the property to a distance varying from 51 to 55 metres to the north and 37 metres to the west, enclosing the field access within the domestic curtilage and increasing the size of the garden by over 1200m².
- Erect a garage and store building to the north (rear) of the converted barn. The building would have pitched roof with a maximum height of 4 metres to ridge and a total floor area of 44m². The building would be finished with a mix of stonework and timber cladding.
- Replace the mid link glazed entrance to the main building with a traditional slate roof and construct a pitched roof porch to the front elevation.
- Alter the access arrangements at the site, including the continued (currently unauthorised) use of a field access to the west of the property as the principal means of access to the property and the proposed blocking up of the authorised vehicular access and provision of a pedestrian gated door in its place. The proposal involves the construction of a new driveway off the field access to serve the proposed garage together with the provision of a turning area. The existing unauthorised drive is to be altered (but retained) and it is proposed to plant a hedgerow adjacent to the field access and along the northern boundary of the site.

PLANNING HISTORY

Planning permission (99/00671/FUL) was refused on 29th July, 1999 for the conversion of the barn subject of this application to a residential unit. This was due to the amount of rebuilding which had already taken place and was also proposed as part of the application, which was contrary to national and local planning policies relating to the reuse and adaptation of rural buildings.

A subsequent planning application (00/00577/FUL) was submitted which indicated a significant reduction in the amount of rebuilding required to implement the scheme and so planning permission was granted on 19th January, 2001 for the refurbishment and partial reconstruction of disused buildings to provide a dwelling.

However, the works did not proceed on site according to the approved plans, and accordingly it was considered that the previous consent had fallen. A new planning application (02/01276/FUL) was submitted to regularise matters and planning permission was subsequently granted in November 2002 for the conversion of the barn.

04/01360/FUL – Planning application for an external garage and store, external stairs to the first floor and replacement of the glass roof with a traditional roof was refused on 18th March, 2005 for the following reasons:

- The proposals, at this prominent location, would adversely affect the character of both the barn and the surrounding rural area and would therefore fail to preserve or enhance the special quality of this part of the Glamorgan Heritage Coast and the Monknash Conservation Area. The proposals are therefore contrary to Policy EV19 of the South Glamorgan Structure Plan 1989 and Policies ENV4, ENV7, ENV15 and ENV18 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003), the Council's draft Supplementary Planning Guidance the Conversion of Rural Buildings and the advice contained in Planning Policy Wales March 2002.
- The proposals amount to insensitive and unjustified new development within the countryside, contrary to Policy EV3 of the South Glamorgan Structure Plan (Alteration No.1) 1989 and Policy ENV1 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003), which seek to resist new development in the countryside that is not in the interests of agriculture.

CONSULTATIONS

St. Donats Community Council has been consulted - However, no comments have been received to date.

Glamorgan Gwent Archaeological Trust has been consulted – No comments received to date.

The Head of Visible Services (Highway Development) - Has no objection subject to the provision of vision splays of 2m by 60m and hard surfacing of the access for the first 10m from the adopted highway. No surface water should drain onto the adopted highway or onto the highway drainage system.

REPRESENTATIONS

The application was advertised in the press and by site notice. Neighbouring occupiers have also been consulted. No comments received to date.

REPORT

The development plan for the site comprises the adopted Vale of Glamorgan Unitary Development Plan 2005 (UDP).

The application has been assessed with regard to the countryside Policies HOUS7 'Replacement and extension of dwellings in the countryside' and ENV7 'Small scale rural conversions' of the UDP. It is considered that whilst the building has been converted to a dwelling, the more stringent Policy ENV 7, which aims to ensure that rural buildings are converted in a manner that retains their integrity and rural character, remains a central material consideration with regard to this proposal.

The adopted Supplementary Planning Guidance the Conversion of Rural Buildings elaborates on Policy ENV7 of the UDP. In particular, it states that "proposals to extend converted buildings are likely to detract from the character and amenity of the existing buildings and surrounding countryside, accordingly proposals to extend existing converted buildings are likely to be resisted."

Furthermore, with regard to the residential conversion of rural buildings, Paragraph 7.6.11 of Planning Policy Wales states that "if the existing building is unsuitable for conversion without extensive alteration, rebuilding or extension, or if the creation of a residential curtilage would have a harmful effect on the character of the countryside, similar control to that over new house building in the open countryside will apply.

The agent has made the following comments in support of the application:

- The proposed porch is more modest than what was refused in terms of its mass and height. The porch is required for weather protection.
- The dwelling has no garaging or external store facilities. It is now proposed to re-site the building to the north of the dwelling. It's revised siting and ability to use lower ground levels would result in the building being less conspicuous than the previous proposal.

- It is proposed to close up the existing access and use an existing track which serves an access to agricultural land over which a private right of way exists.
- The current consent for the barn restricts the residential curtilage to the limited hard surface area to the front of the dwelling. The garage/store and access to it lies outside the current curtilage. The remaining area in front of the barn is grassed/planted with trees and is currently perceived as being closely associated with the dwelling. The application encompasses the extension of curtilage. It is not considered that the proposals would harm the visual amenities of the area.

The current scheme differs from the previous application in the following respects:

- Proposals to construct external stairs and a veranda to the barn have been omitted from this proposal.
- The garage has been re-sited away from the adjacent road to a position north of the barn. It has also been slightly reduced in size, occupying a total floor area of 44 square metres, compared to approx. 53 square metres previously. The height has also been reduced from 4.5m to 4m. Due to ground levels being lower to the north and because the proposed excavation would further reduce levels, the garage/store would be lower than the main barn.
- Rather than seek consent for the continued use of the existing unauthorised driveway as previously proposed, it is now proposed to construct a new driveway off the field access and construct a new turning area adjacent to the garage.

In itself, the porch and alterations to the roof of the barn are considered to be modest and would not unduly impact upon the character of the barn. However, the proposals relating to the proposed driveway, turning area, garage/store and increased residential curtilage are of concern.

The garage/store would be situated in the countryside outside the approved curtilage of the dwelling. It would also encroach onto an area subject to woodland planting as part of planning permission 02/01276/FUL. When planning permission was granted, the barn was considered of sufficient size as not to warrant additional buildings on the site. A number of outbuildings were previously demolished but it is not considered that the removal of these buildings justifies the development proposed.

The proposed garage would therefore comprise new build in the countryside that would be contrary to Policy ENV1 of the UDP, which seeks to resist new development in the countryside that is not in the interests of agriculture. No such justification has been submitted with this application. Whilst the visual impact of the building would be less than that previously proposed as part of application 04/01360/FUL, it is still considered that the garage would comprise a relatively large building which would have a significant visual impact on the surrounding rural area.

Policy ENV7 of the UDP requires that “where residential use is considered acceptable, amenity space can be provided within the curtilage of the site without undue incursion into the rural landscape”. The proposed driveway and turning area and the substantial increase in residential curtilage proposed as part of the application would, as a result of the inevitable introduction of various domestic paraphernalia, further domesticate the appearance of the site, to the detriment of the rural qualities of the area. It is considered that the authorised access is entirely satisfactory in highway safety terms and so the proposed access arrangements would not be justified. In addition, it is considered that the approved residential curtilage is adequate to serve the occupiers of the dwelling.

The overall impact of these proposals on the character of the area are considered to be of particular concern given the location of the site on the edge of the settlement within the Monkash conservation area and within the Glamorgan Heritage Coastal Zone. The proposals are therefore also considered to be contrary to:

- Policy ENV7, which seeks to protect the character of rural buildings;
- Policy ENV4, which seeks to conserve and enhance the special environmental qualities of the Glamorgan Heritage Coast; and
- Policies ENV15 and ENV18, which seek to preserve and enhance conservation areas.

In this regard, the proposals are also considered to be contrary to the relevant advice contained in Planning Policy Wales March 2002.

04026

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposals constitute unjustified new development in the countryside which is not in the interests of agriculture. The proposed garage, access and turning facilities, together with the additional residential curtilage, at this prominent location, would adversely affect the character of the barn and the surrounding rural area. The proposals would therefore fail to preserve or enhance the special quality of this part of the Glamorgan Heritage Coast and the Monkash Conservation Area. The proposals are therefore considered to be contrary to Policies ENV1, ENV4, ENV7, ENV15 and ENV18 of the Vale of Glamorgan Unitary Development Plan 2005, the Council's draft Supplementary Planning Guidance, 'The Conversion of Rural Buildings' and the advice contained in Planning Policy Wales (March 2002).