

4th May, 2006 Planning Committee Meeting

2004/01532/FUL

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Barns opposite Great House, Llantwit Major

Conversion of stone barns to residential and associated commercial/homeworker use

SITE DESCRIPTION

The application site relates to two existing stone barns located in a prominent position on the western side of Cowbridge Road, near its junction with Castle Street and High Street to the western side of Llantwit Major some 100 metres to the south of the railway line and located opposite Great House, a Grade 2* Listed Building. The site falls within the Llantwit Major Conservation Area in a strategic location at the entrance into the historic core of the village.

Barn A is a linear stone barn with attached pigsty and pens on its north easterly elevation. The existing building is finished in clay terracotta roof tiles with painted/limewashed random stone elevations. Main openings to Barn A are on the front and rear elevation with stone quoining and arched stone heads. Access to the barn is via a concrete yard to the front of the barn from Castle Street.

Barn B is sited parallel to the highway and accessed via High Street. The barn is constructed of stone and is currently accessed from the main Llantwit Major Road. The barn has few openings, limited to a doorway (blocked up) on the western elevation and the original entrance to the barn in the northern gable, which is infilled with large doorways.

The south west boundary of the site is formed by an existing low level stone wall and the gable end of Barn A. The eastern boundary is formed by the road frontage of Castle Street and Llantwit Major Road. The northern part of the site is delineated from the agricultural land lying beyond by a stock proof fence and hedging.

DESCRIPTION OF DEVELOPMENT

The proposal as now amended is for the conversion of the two main barns as set out below:

Barn A will be converted to provide a self contained residential unit. The accommodation will comprise of a kitchen with open plan lounge/dining room, bathroom and bedrooms and a second bedroom/study in the attached pigsty. Part of the first floor of the main barn will be used as a gallery bedroom. The existing openings to the front of the barn will be used. The existing doorways will be replaced with windows with timber vertical panel infill sections below. The large existing square opening will have a new arched stone head over the new glazed panels. The rear elevation will have a total of three new window openings and a doorway. Roof tiles will be as existing being terracotta roof tiles. The proposal includes the demolition of the existing modern pent roof stable block which is attached to the pigsty.

Barn B will be converted to provide an office/commercial space with a lobby kitchen and W/C. The conversion works will not introduce any additional doors or windows in any elevation, except the insertion of a set of inward opening French doors with windows either side inset into a dark stained vertical timber boarding on the existing gable opening.

A curtilage has been shown to serve the proposed barn which extends some eight metres to the rear of the barns and separated from the agricultural land beyond by a stock proof fence with hedge. The land to the front of the main barn is to be used for parking

PLANNING HISTORY

The site has been subject to the following planning applications.

04/001529/CAC – Demolish existing pigsty and re-use of existing natural stone demolish existing block/render lean-to mono pitch building, at Barn opposite Great House, Llantwit Major. Application not yet determined.

CONSULTATIONS

The Vale of Glamorgan Conservation Advisory Group at their meeting on 3rd November, 2004 made the following comments:

“REFUSE, the proposal to convert these rural barns being considered inappropriate given the prominent nature of the site located on a main access road into the town and opposite Great House, a Grade II listed building, the suitability of one barn for conversion into residential accommodation being questionable given its current state of dilapidation, together with the introduction of commercial use into this part of the Conservation Area neither preserving nor enhancing the same.”

Llantwit Major Town Council - Were consulted on 22nd September, 2004 on the original scheme and have raised an objection on the following grounds:

- “1. The site is on a flood plain and the proposed buildings are immediately adjacent to the Ogney Brook, which periodically overflows causing serious flooding along this road, with many houses along Turkey Street being badly affected. It is highly probable that to add another residential commercial development to the already overstrained storm water and foul water systems would worsen this situation.

2. Associated commercial/home worker use clearly indicates some form of commercial activity, but no details are given. There is more than enough pressure on this narrow road (Castle Street) with the petrol station and on road parking associated with the caravan sales business. Depending on the precise nature of this proposed commercial activity, there are likely to be road safety implications due to an increase in on road parking.

As application (02/01317/FUL) to build a house adjacent to the Great House opposite was refused and among the reasons for refusal were poor access and visibility.”

Glamorgan Gwent Archaeological Trust - Were consulted and have stated that the application site lies to the north east of the main medieval settlement at Llantwit Major but in close proximity to Great House and Samson’s Well a spring from which water reputedly with healing powers emerged. The well is likely to have been a focus for settlement in all periods and it is possible that features associated with Great House may also extend into the area. It would therefore be prudent if an archaeologist conducted a watching brief during groundwork’s required of the conversion in order to record and investigate any archaeological features that are revealed by that work.

Dwr Cymru/Welsh Water - Have 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 Department) – Was consulted on the application and has raised no objection to the proposal subject to the following requirements being satisfied:

1. 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.
2. Visibility splays of 2m by 60m 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.

The Head of Visible Services (Engineering Design) – Was consulted and has stated that a watercourse runs in the vicinity of the proposed development. The applicant will therefore be required to consider the effect of the proposals on the watercourse and maintain flows in the same. The applicant should be requested to submit details of the proposal to maintain the flows to the Local Planning Authority for approval prior to the commencement of any works.

REPRESENTATIONS

Neighbouring residential properties were consulted on the original scheme and to date a total of two letters of representation have been received. One of the letters of representation from the occupier of Downcross House is attached as Appendix A.

REPORT

In policy terms, the application site lies just outside the residential settlement boundary of Llantwit Major and as such is classified as falling within the countryside. The principal policy in assessing the proposal is Policy ENV8 – Small Scale Rural Conversions contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011.

This policy states that proposals which involve small scale rural development including conversions of rural buildings to new uses will be permitted if they comply with relevant criteria. In the case of the conversion of a rural building to residential and commercial use, which is located adjacent to listed buildings and within the Conservation Area, the following criteria contained within the above policy are applicable:

- (iii) The building is structurally sound and the conversion can be achieved without substantial reconstruction of the external walls, or extension to the building. However, each proposal will be assessed as a matter of fact and degree, depending on the particular circumstances of the case.
- (iv) Conversion work can be undertaken without unacceptably altering the appearance and rural character of the building.
- (v) Where residential use is considered acceptable, amenity space can be provided within the curtilage of the site without undue incursion into the rural landscape.
- (vi) Vehicular access is available or can be provided from the public highway without any unacceptable effect upon the appearance of the countryside.
- (vii) Satisfactory parking provision can be made within the curtilage of the site.
- (viii) In the case of conversion for small scale commercial, industrial, recreational or tourism use the proposal should not create unacceptable traffic or other environmental problems.
- (xii) The proposed new use would preserve or enhance the setting or character of any conservation area.
- (xiii) The proposal would preserve or enhance the architectural or historic quality of a listed building or its setting.

The existing barns are located in a prominent road frontage position opposite the Grade 2* Listed Great House, a large prominent three storey dwelling. As such the main considerations in respect of the impact on the adjacent listed buildings and conservation area are as follows:

- The appropriateness of the conversion of what are currently unassuming barns which assimilate into the countryside.
- The impact of the development on the approach into the historic core of the Conservation Area and the impact on the wider setting of the Grade II Great House.

- The acceptability of the demolition of the detached stable block attached to the stone pigsty.
- The appropriateness of the introduction of a commercial use into this part of the Conservation Area which is generally residential in character.
- The impact of the provision of a residential curtilage on agricultural land to the rear of the barns.

An assessment should also be made with regard to Policies ENV20 (Development in Conservation Areas); ENV21 (Demolition in Conservation Areas); and ENV27 (Design of New Developments) as contained in the above referenced adopted plan and the adopted Supplementary Planning Guidance on Conversion of Rural Buildings.

The application site no longer forms part of a holding and the buildings appear to be in sporadic use for the stabling of horses. Therefore it is considered that the surrounding uses and activities carried out will not be incompatible with the proposed residential and part commercial uses of the barns.

The proposed access will be as existing, where an informal parking and turning area is shown to the front of the existing barns. Therefore, in line with the comments received from the Head of Visible Services (Highways Department), the scheme is acceptable in highway terms. However the provision of an access on what is a prominent junction and associated parking to the front of the barn would introduce a wholly domestic element to the site.

The Principal Building Control Officer has assessed the submitted structural reports and has undertaken a site inspection. He has advised that the structural report submitted by the applicant appears to be a true reflection of the condition of the property. It has, however, also been noted that streams run past the south-west and east elevation of the building and the existing floor of Building A is within 0.5 metres above the base of these streams. There is also a potential risk of flooding to Building B as it appears that the existing floor is 0.75 metres below the adjacent highway. Accordingly, he has requested the developer look into the potential risk of flooding into the unit in the event of heavy rainfall.

In response the agent has stated that the floodplain maps for the area do not identify the site as being liable to flooding and has suggested that the matter should be dealt with by way of a planning condition. However the Building Control Officer has confirmed that a scheme should be submitted prior to the determination of the application by the developer. To date the scheme has not been submitted.

The original scheme proposed the demolition of the existing attached pigsty to be replaced by a new extension, 6 metres in width by a depth of 6.4 metres. The new extension was shown to be clad with vertical timber panels on the prominent front elevation. A number of alterations of existing openings were also proposed with the creation of four new windows in the rear elevation of the main barn. With regard to the proposed office/commercial use of Building B, the conversion also proposed the provision of three new windows in the rear elevation and two new windows on the side (gable) elevation. The agent was advised that the scale of new build and alterations proposed would unacceptably alter the appearance and rural character of the buildings and would be considered contrary to Policy ENV8, such that an unfavourable recommendation would be made. Amended plans were subsequently submitted where the existing pigsty is now shown to be retained.

As such the proposed conversion of the barns will not require any extension and generally only relates to internal works and alterations to the existing elevations.

Notwithstanding the above, the alterations made to the gable end of Barn B would however be highly visible from High Street when entering the village from the north and is considered to be poorly detailed and would not retain the character of the existing barn. The siting of principal doors on this elevation would result in the commercial use of the building being visible from High Street and may well result in further pressure for parking on the adjacent access to the front of the entrance off High Street.

With regard to the commercial/office use of Barn B, this building falls within the same planning unit as the main residential barn and as such its commercial use would be used in connection with the converted barn. The agent has stated that the building would be used for a home worker in line with national policy in re-using existing buildings in rural areas with a commercial/part commercial use.

In view of the sensitive location of the application site within the Conservation Area, formerly part of the setting of the Grade 2* Listed Great House, such a commercial use should only be permitted where it would not create unacceptable traffic or other environmental problems. If such a commercial use is limited to an office use or B1 use (as defined under the Use Classes Order 1987), such uses can usually take place in residential areas without undue noise, smells and general disturbance. It is therefore considered that an office or B1 use could be acceptable, subject to such a use being ancillary to the main residential use of the barn and for the sole benefit of the occupiers of the barn. However, as previously stated, the orientation of the windows and access to this building would be likely to result in the commercial use and activities being visible from High Street and as such the use of Barn B would appear separate to the residential use of Barn A and would further intensify the use of the site as a whole.

The scheme also includes the demolition of what is a small unsightly concrete block stable block. Policy ENV21 relates to demolition in Conservation Areas and seeks to strictly control such demolition, particularly in respect of boundary walls, fences, railings and gates, where they make an important visual contribution to the quality of the street scene. In the case of the stable block, the existing building does not contribute to the character of the area and its removal will improve the setting of the barns, the wider Conservation Area and the setting of Great House opposite.

With regard to the provision of a residential curtilage to serve the proposed barn, the curtilage would extend some eight metres to the rear of the barns and is shown to be separated from the agricultural land beyond by a stock proof fence with hedge. The existing barns are small in scale with a concrete hardstanding to the front of Barn A. The rear walls of the two barns together with a linking stone wall define the boundary between the yard and the agricultural field to the rear. Therefore the creation of a curtilage, would result in an encroachment onto open agricultural land which would introduce a residential use into the field. The need for levels changes and a new rear opening to access this land would only serve to accentuate such harm.

It should be noted that Section I) of the adopted Conversion of Rural Building Supplementary Planning Guidance states:

“The spaces surrounding rural buildings are generally restricted by the nature of their original use. Unless unobtrusive and sufficient amenity space can be provided around a building without conflict with surrounding uses, the proposal will not be favourably considered. The provision of adequate amenity space should avoid the creation of a suburban style curtilage around the building, and the subdivision of open courtyards should be avoided particularly where the courtyard serves a group conversion. Proposals to incorporate any agricultural land into the curtilage of the dwelling will require planning consent for a material change in use of the land.”

Therefore the use of the garden and the associated residential paraphernalia which would be visible from the main road would adversely affect the rural character and appearance of the barns and fail to preserve or enhance the setting of the Grade 2* Listed Great House and would significantly urbanise the character and setting of the site resulting in an encroachment into the countryside and would urbanise the approach into the historic core of the town.

In conclusion, whilst the conversion of the barns themselves, notwithstanding the concerns in relation to Barn B, are considered to generally retain the character of the original barn, the impact of both the residential and commercial use of the barns on the general character of the site, on the rural back drop to the north and west, and on the nearby Listed Building would be detrimental to the gateway entrance into the historic core of the Conservation Area.

To conclude, the following recommendation is therefore made.

03707

RECOMMENDATION (W.R.)

REFUSE

1. The proposed residential and commercial conversion of the two barns would not retain the rural character of the barns and their wider landscape setting while the provision of residential curtilage to the rear of the barns on undeveloped agricultural land, would result in an unjustified and insensitive incursion into the rural landscape. This would be highly visible from the High Street and would be detrimental to the gateway entrance into the historic town, and would neither preserving or enhancing the special character and setting of this part of the Conservation Area and the nearby Grade 2* Listed Great House. The proposal is therefore contrary to Policies ENV17 (Protection of Built and Historic Environment); ENV20

(Development in Conservation Areas); ENV24 (Conservation and Enhancement of Open Space); ENV27 (Design of New Developments) and Policy ENV8 (Small Scale Rural Conversions) contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the approved Conversion of Rural Buildings Supplementary Planning Guidance.

2005/00087/FUL

Received on 18 January 2005

J H Leeke & Sons Ltd, Mwyndy Business Park, , Pontyclun, , CF72 8PN. ,
RPS, Park House, Greyfrairs Road, Cardiff, CF10 3AF. , ,

Hensol Castle, Miskin, Pontyclun

Comprehensive mixed-use redevelopment including conversion and extension of castle as hotel, conversion of ward blocks to residential use, development of holiday accommodation, new 2 storey staff accommodation and restoration of walled garden.

SITE DESCRIPTION

The site relates to the Grade I Listed castle and attached courtyard range, the Grade II Listed Hensol Bridge and associated extensive range of buildings which were formerly in use as a conference centre and hospital. The grounds to the castle are of historic interest. The site also includes 'agricultural' land between the castle grounds and more recent Hotel, Leisure Club and Golf course.

The site extends to approximately 63ha (155 acres) and is located towards the northern boundary of the Vale of Glamorgan administrative district and close to Junction 34 of the M4 motorway.

To the east of the site there is a small group of residential properties to the north of which the main access into the site is proposed utilising the former hospital entrance.

DESCRIPTION OF DEVELOPMENT

The applicant seeks consent in full for a mixed development entailing some demolition of existing buildings and conversion as well as new build.

The development can be summarised as follows:

1. Conversion of Hensol Castle with an extension to the north to create a 43 bedroom hotel with Spa, being 25 bedrooms in the castle and 15 in the new build Spa.
2. To convert the 9 No. ward buildings into 54 No. apartments comprising 6 No. apartments per ward building. Extensions to create balconies and conservatories of contemporary design are proposed.
3. To convert the Concert Hall into 5 No. apartments, with a large central foyer.

4. To construct 36 No. new building units of time share holiday accommodation in the field to the north of the existing hotel complex at the "Vale of Glamorgan" with this being referred to as "holiday accommodation". The units comprise a mix of single storey and two storey development finished in "Bradstone" stone, slate, timber cladding and render with elements of a contemporary palette of materials e.g. zinc capped roofing. A communal car parking area of 79 No. spaces will be provided accessed off the existing access to the hotel/golf club. A single storey facility building (office/store) is also proposed.
5. Conversion of ward blocks to the north of the Castle and the buildings in the walled garden into staff accommodation. This will generally entail conversion with some demolition and rebuild in the form of a new block between existing buildings. Rebuild materials and design are to be sympathetic to the existing red brick buildings.
6. Restoration of the Walled Garden including 3 No. glass houses to be used as a kitchen garden and as "sensory" garden ancillary to the proposed Spa use.
7. Demolitions will amount to an area of 9,391 sq.m in total dispersed around the site but including all the nurses' training unit classrooms and buildings, 5 No. bungalows and resettlement department, physiotherapy buildings etc., all post 1947 buildings. Overall new build development is noted as amounting to 8,601sq.m in total.

An Environmental Impact Assessment, including addendum and Detailed Design Brochure have been submitted to support the application.

A letter in support of the amended scheme is attached as Appendix A.

PLANNING HISTORY

Applications for Listed Building Consent Ref: 05/00088 and 05/00297LBC for the works to the Grade I Listed Castle and curtilage buildings are also before Planning Committee for consideration as to the impact on the Listed Buildings and their curtilage.

06/00027/FUL – Re-lay playing pitches to improve drainage. Currently undetermined.

The site as a whole has been the subject of applications for development related to the sites use as a hospital and conference centre.

CONSULTATIONS

Pendoylan Community Council – "We are of the opinion that assuming your approval, the planning gain warrants a roundabout at the junction of the Hensol/Miskin Road and the main road from the motorway at junction 34 at Pendoylan. Already the traffic is very busy and especially from traffic turning right from Hensol we have 'an accident in the making'. See Appendix B

Society for the Protection of Ancient Buildings - See Appendix C.

Cadw : Historic Gardens - Comments awaited.

Glamorgan Wildlife Trust - No comments received to date.

Glamorgan Gwent Archaeological Trust - See Appendix D.

Environmental Agency Wales - See Appendix J.

Countryside Council for Wales - See Appendix E.

Dwr Cymru/Welsh Water - See Appendix F.

Historic Gardens Society - Comments awaited.

Badgers Group - Comments awaited.

The Head of Visible Services (Engineering Design and Procurement) - See Appendix G.

The Head of Economic Development and Leisure (Landscape Architect) – Comments awaited.

The Head of Economic Development and Leisure (Economic Development and Tourism) – Are fully supportive of this proposal.

The Head of Economic Development and Leisure (Footpath Officer) - Comments as follows:

“Further to your memo of February 10th, 2006 and our recent conversation, the only Public Footpath in the vicinity of Hensol Castle, Public Footpath No. 20 Pendoylan is currently in the process of being diverted to allow the reconstruction of Dyfi Ward by the NHS Trust on the boundary of the site. There is at present no public access within the site, other than in the immediate vicinity of the southern boundary, and I would be very interested in exploring the possibility of creating some new public access to this important asset as part of the current application”.

The Head of Economic Development and Leisure (Council's Ecologist) - See Appendix H.

The Head of Visible Services (Waste Management) - See Appendix I.

The Director of Learning and Development - Comments awaited. See Appendix K.

The Director of Community Services - Comments awaited.

The Director of Legal and Regulatory Services (Environmental Health) – Comments awaited.

The Head of Housing and Community Services – ““My only comment would be that Supplementary Planning Guidance for Affordable Housing should be implemented”.

The Head of Visible Services (Highway Development) – Comments as follows:

“I would advise that the responsibility for the bridge currently lies with the land owner. However, if the bridge is intended to carry a ‘public highway’ (main highway infrastructure within the site should be constructed to adoptable standards) then it will be necessary (as Highway Authority) to ensure that the bridge is structurally adequate for its intended purpose. This will also be necessary if the area is to remain private but Council service vehicles (refuse wagons etc.) are to travel over the bridge.

With regards to the comments made by RPS in respect of ‘site traffic’ - I would ask that you advise them that upon any ‘planning consent’ being granted, the developer will be required to provide and agree with the Local Planning Authority a programme of works together with method of working, access route for site traffic, hours of working etc – prior to any works commencing on site. My formal response in respect of this application, will include a request that a ‘planning condition’ be attached to this effect”.

Further comments are reproduced at Appendix M.

REPRESENTATIONS

The application has been advertised on site and in the press including an advertisement in respect of the Environmental Impact Assessment and Addendum. Nearby residents have been notified.

Letters of consultation have been received and are attached as Appendix L.

REPORT

The development lies within the open countryside to the south of the M4. The land in question is occupied by the Grade I Hensol Castle and attached courtyard range to the north, Grade II Hensol Bridge adjoins the Grade II Hafod Lodge to Hensol Castle (also known as Bottom Lodge). The land around the castle falls within the Hensol Castle Historic Park and Gardens identified as Grade II in the Register of Parks and Gardens in Wales, with the main phases of construction having been undertaken in the mid 18th Century and 1840's.

The relevant Policy framework for consideration of the scheme is detailed below:

The Vale of Glamorgan Adopted Unitary Development Plan adopted 1996-2011

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| ENV1 | Development in the Countryside : With criteria including (iii) the re-use adaptation of existing buildings particularly to assist the diversification of the rural economy ; (iv) development which is approved under other Policies of the plan. |
| ENV4 | Special Landscape Areas : Where it will not adversely effect the landscape, character or features or visual amenities of the Special Landscape Area (i) Ely Valley and Ridge Slopes. |

- ENV7 Water Resources : River, other inland waters and underground water resources will be safeguarded. Developments which improve the water environment or help to prevent flooding will be favoured. Development will be permitted where it would not : (i) have an unacceptable effect on the quality or quantity of water resources or on fisheries, nature or heritage conservation, recreation or other amenity interests related to such waters, and (ii) be potentially at risk from flooding or increase the risk of flooding locally or elsewhere to an unacceptable level.
- ENV10 Conservation in the Countryside : With measures to maintain and improve the Countryside, its features and resources, particularly in areas of high quality landscape.
- ENV11 Protection of Landscape Features : Development will be permitted if it does not unacceptably affect features of importance to landscape or nature conservation.
- ENV12 Woodland Management : Improvement management and extension of woodlands, tree cover and hedgerows will be favoured.
- ENV15 Local Sites of Nature Conservation Significance : Where development is likely to have an unacceptable effect on a local nature reserve or site shown to be of importance for nature conservation will not be permitted unless the reasons for the proposal clearly outweigh the local importance of the site and where development takes place appropriate conditions or agreed planning obligations may be used to ensure the impact on nature conservation is minimised. It is noted that 2 candidate SINC's are at the site namely Hensol Lake and Hensol Mill Pond.
- ENV17 Protection of Built and Historic Environment.
- ENV16 Protected Species : Development will be permitted only if effects of the development will be minimised by careful design and work scheduling or effective mitigation measures are provided by the developer.
- ENV18 Archaeological Field Evaluation.
- ENV19 Preservation of Archaeological Remains : Preservation or as appropriate, recording of remains will be required.
- ENV27 Design of New Development : With development expected to have full regard to the context of the natural and built environment and meeting 9 criteria including that it complements or enhances the local character of buildings or spaces.
- ENV29 Protection of Environmental Quality : Including ensuring development does not pollute water, soil etc nor cause noise or light pollution.
- HOUS3 Erection of dwellings in the countryside will be restricted to those that can be justified in the interests of agriculture and forestry.

- HOUS12 Affordable Housing : Where there is a demonstrable need the Local Planning Authority will negotiate for a reasonable element of affordable housing in substantial (more than 50 units) schemes.
- EMP2 New Business and Industrial Development : Proposals for new business development will be permitted if 9 criteria are met including that the proposal does not lie within the countryside except for where exclusions apply including exclusions under Policy COMM2 (Redundant Hospitals).
- TOUR1 New Hotels in the Countryside : Proposals for new hotels outside designated settlement boundaries defined by HOUS2 will not be permitted. Proposals involving conversion or extension of existing buildings outside such areas will be permitted if all 8 criteria are met including scale of the proposal and any extensions are in keeping with surrounding uses, that the development does not unacceptably affect amenities and character of existing or neighbouring environments e.g. through noise, traffic generation etc. and the proposals meeting high standards of layout, landscape, design and has safe vehicular access.
- TRAN10 Parking provisions should be in accordance with approved guidelines.
- REC7 Sports and leisure facilities outside settlement centres permitted subject to criteria including not affecting vitality and viability of Town or District Centres.
- REC12 Public Rights of Way and recreational routes will be protected.
- COMM2 Reuse and redevelopment of redundant hospitals will be permitted subject to criteria including that the proposal does not unacceptably effect the local environment or character of the area, that the proposal does not involve any significant extension to the existing buildings and in the case of Listed Buildings the proposal does not unacceptably affect its character as a building of special interest.

The Hensol Castle Development Brief (July 2004) is also relevant, given that within which the development opportunities were considered. The Brief referred to possible alternative uses as the use at that time was identified as Operational Hospital, Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). These alternative uses included nursing home, residential school/colleges, training centres. The Brief also acknowledged that parts of the site were in use as a Conference Centre.

Other potential uses for the site which could be considered, subject to planning permission being obtained, included the provision of a Prestige Employment site or leisure/tourism use. The Brief specifically referred to residential development being an unsuitable use given that the site lies outside a recognised settlement with poor access to local amenities and public transport.

Support was given in the Brief to the removal of the more modern, poorly designed buildings associated with the previous hospital use due to their negative impact on the Parkland setting of the Listed Buildings. The preferred location for any new development was indicated as being the basin of the field to the north of the Vale of Glamorgan Hotel and Leisure Complex.

The Issues

The development scheme as a whole falls to be considered in accordance with the adopted Development Plan Policy, the Development Brief for the site and National Planning Guidance. The latter includes Planning Policy Wales 2002, TAN12 'Design', TAN 5 'Nature Conservation and Planning', TAN10 'Tree Preservation Orders', TAN13 'Tourism' and guidance contained in Welsh Office Circulars 61/96 'Planning and the Historic Environment, Historic Buildings and Conservation Areas'.

The site is located in the countryside, outside any recognised settlement. Whilst the policy framework may preclude against some elements of the development now sought, regard must be paid to the need to ensure that the Grade I Listed Building and the curtilage buildings and other Listed or historic structures and their setting are safeguarded for the future.

In considering the various elements of the scheme the applicants have referred to the need to allow for enabling development to facilitate the restoration of the Castle itself. The Listed Building consents reports, also now before Committee, provide full details of the alterations to the Listed Buildings on the site and, subject to acceptance of these applications by Committee, there appears justification for the scale and form of developments now sought.

Housing

It is noted that the Development Brief adopted for the site does not consider housing an appropriate option for the site and referred instead to commercial (office types uses) as being potentially acceptable on the site. This matter has been the subject of discussion with the Developer and his agents in the course of consideration of the application. The applicants have submitted market assessment details outlining how their scheme was put together in relation to the site as a whole. They conclude in paragraphs 2.5.2 and 3 of the Environmental Impact Assessment that:

"Without the ability to invest the funds that will derive from the sale of the converted ward blocks in the renovation of the Castle, its walled gardens and its landscape, the project as a whole is not viable.

Unless there is a significant market shift in the foreseeable future, therefore the conversion of the blocks to residential apartment use is considered to be the only viable commercial option".

Committee should consider therefore the need for the ward conversion to housing and the timeshare new build in relation to the significant costs of the restoration of not only this nationally important building but also to safeguard its landscaped setting by investing in its maintenance. Figures given by the applicants indicate abnormal costs totalling in the region of £10.2m. These costs include approximately £6m for restoration of the Castle, £1m to restore the Walled Garden and surrounding Historic Parkland. In accepting that these costs are generally representative of what is required to restore the Castle and associated works then the exceptions to the Planning Policy to allow for housing could be accepted.

In considering additional costs which might accrue with the development of residential units the requirements of adopted Supplementary Planning Guidance 'Affordable Housing' and Policy HOUS13 are relevant. The site indicates 59 No. residential units (not including the holiday accommodation) and thus the Local Planning Authority's threshold of more than 50 No. units is met. Consultation with the Director of Community Services has confirmed that there is an identified need for affordable housing contributions. This matter is currently being addressed with the applicants agent, and any further communication on the matter of the need and extent of financial contributions will be reported at Committee.

In progressing this issue, regard must be given to the Council's Supplementary Planning Guidance "Affordable Housing". There are also other issues with the development as a whole which require consideration. In particular the impact of any contribution on the viability of the scheme as a whole must be examined to ensure that the long term future of the Grade I Listed Building and environs are safeguarded. As stated above, this is a matter currently being discussed with the applicants agent.

In addition, on the basis that the provision of residential accommodation is considered acceptable, a financial contribution would also be required, for purposes of education.

In their discussions the Developer has indicated that the costs of the scheme, including the costs of demolition, restoration of the Grade I and other Listed Buildings and to ensure the landscaping of the site and the on-going management and maintenance costs for the Listed Buildings and historic parkland will be significant. The further comments of the Developer in relation to this aspect will be made known to Committee.

Turning to the specifics of the unrestricted housing conversions, the development will entail extensions to the Southern Ward Buildings in the form of infilling at the rear and glazed 'conservatory style' extensions of contemporary design with balcony details added. There is no objection to the detailing of the extensions which in scale and form, given their location on site, do not materially affect planning policy nor the original design and scale of these Listed Buildings albeit they have a significant impact on one principal elevation however, (see report in respect of application 05/00297/LBC) but are considered necessary additions to create an acceptable residential environment in the somewhat austere and institutional internal environment of these former ward blocks.

The former concert hall building is also intended to be converted. Following discussions the level of accommodation to be provided has been reduced from 6 to 5. The layout has enabled part of the large internal space to be retained so that the character of this full internal void can be seen. Again a conservatory extension is proposed to one end of the building situated between two existing wings to the hall and with a balcony above.

Car parking to serve the development will be adjoining the relevant blocks and accessed from the 'main' entrance and access road serving the hospital.

For clarity, the housing proposed is restricted to 'conversion' only with no new build housing units proposed.

Holiday Accommodation

The provision of 36 No. new build time share units, if approved as holiday accommodation would require restrictive occupancy conditions and possibly consideration under the terms of a S.106 Legal Agreement.

The scale, design and layout of such new build and the restrictive nature of any consent if granted has been the subject of discussion with the Developers since submission of the scheme. Originally 40 No. units were proposed on land further towards the southern part of the lake. The layout and form of these units was of concern in that they were detached, large scale dwellings set out in suburban form with road access and parking at each plot.

Following discussion, the amended scheme now before Committee was received and resulted in 4 less units with a more compact layout. The dwelling units have been re-designed to appear as more traditional barn developments in single and two storey form with a significant emphasis on single storey structures. The amended layout is far less land hungry than the originally submitted details.

Vehicular access to the site is limited with a communal car parking arrangement at the site entrance. The location of units is south, towards and identified far more closely with the established Vale of Glamorgan Golf and Leisure Complex than with the Castle. Within the group of residential units smaller buildings to be used as a facility building and bin stores are proposed. The relatively intimate arrangements of the units has paid regard to the end use as 'holiday accommodation' and subject to removal of permitted development rights for ancillary buildings, alterations, extensions fences and enclosures the scheme is considered acceptable.

Accepting that the development of holiday units only and not general residential occupancy is justified in this instance, consideration should be given to advice in Welsh Office Circular 35/95 'The Use of Conditions in Planning Permissions' and TAN13 'Tourism' with particular reference to paragraph Nos. 16 and 17. The Local Planning Authority will need to ensure that conditions are imposed illustrating the period and nature of occupancy but it is also considered that the nature of the agreements or management of the site are clearly defined i.e. that any tenancy agreement includes a statement for holiday letting i.e. that assured tenancies under the Housing Act 1988 and the right of occupation is excluded from the provisions of the Protection from Eviction Act 1977.

To this end it is recommended that if approved the developer be required to provide details of the Management Plan for this part of the site and if appropriate that such Management Plan be embodied in a S.106 Legal Agreement with the Local Planning Authority.

Hotel and Spa

The proposal to convert the Castle to a hotel falls within an accepted use in the brief and has been considered under Policy COMM 2. As detailed in the report in respect of application 05/00088/LBC currently before Committee the use is eminently suited to facilitating the restoration of the Castle.

The area of concern in relation to several of the consultations in respect of the impact on the Listed Building centres on the principle of the scale and form of the Spa extension. This is an uncompromisingly modern design, detached from the Castle itself but linked by a glazed enclosure. Extensions to comprise a restaurant and covered walkway to the inner courtyard are painted, framed glazed timber screens and opening doors with a pitched roof of zinc to the restaurant extension. The new reception building (glass enclosure) is substantially freestanding and of exposed steelwork with a flat roof.

The Spa will include steam rooms, pools etc and as such will require a relatively large amount of plant. As a consequence it is considered that their incorporation into a modern new build structure is more suitable than trying to accommodate them within the historic Castle and buildings. The new build will be a clear contrast in architectural form to that found in the elaborate and complex detailing of the historic buildings. Part (ii) of the report into application 05/00088/LBC clearly details how this architectural approach is justified. It is considered that subject to details of materials for the new build being agreed (and for the conditions on application 05/00088/LBC being met) that the Spa building is acceptable.

Staff Accommodation

Two separate areas of staff accommodation are proposed. The three northern ward blocks are to be converted to create:

Amman Ward 11 bedrooms, 2 living rooms/kitchens – 17 persons.

Aforn Ward 17 bedrooms, 2 living rooms/kitchens – 23 persons.

Tawe Ward 12 bedrooms, 2 living rooms/kitchens – 18 persons.

The existing workshop buildings, engineers' store and gardeners' buildings are to be redeveloped, or re-used in the case of the Engineers and Gardeners buildings. The new build will be of red brick with slate roof to match the existing. The level of accommodation to be provided will be:

Block of 6 No. bedrooms and 1 living room and kitchen – 6 persons.

2 Buildings joined to provide 7 No. bedrooms and 2 living rooms and kitchens – 12 persons.

One of the workshops will be retained as is. The Chapel of Rest will be used as a store, staff room and Head Gardeners Office.

In considering whether staff accommodation is appropriate the Developer has indicated that the location of the Castle and the nature of the Hotel Spa business is such that this accommodation is essential for the proper functioning of the business. Providing staff accommodation will, to a degree, assist in reducing travel to work, although staff will need to rely on their own transportation or public transport to access all other facilities e.g. shops, doctors etc. In accepting the need for this form of development it is considered appropriate to consider whether the accommodation should be conditioned to restrict occupancy to that of staff linked to the Hotel Spa business. Given the location of the site and that the use may not in other respects be suitable for a hostel/residential development and certainly that new build pseudo-residential/hostel type development would not be in accordance with planning policy it is considered that a restrictive condition could be justified in this instance.

The applicants agents assertion that this development constitutes affordable housing is not accepted. The nature of the accommodation and its control by a commercial organisation does not in the Local Planning Authority's opinion satisfy the Affordable Housing Criteria.

In terms of the scheme in relation to Economic Development the Hotel and Spa will generate a significant number of jobs. The applicants have verbally advised that this could be in the region of 200 jobs, albeit that it is likely that many will be relatively low paid jobs on a shift pattern basis. They have therefore argued that the staff accommodation is essential to attract and retain workers given the relatively isolated nature of the site in relation to housing and public transport etc.

Demolitions

Demolition as a form of development in relation to the Listed Buildings would be considered under an LBC application. It is noted that the Development Brief refers to any new build not exceeding the scale of demolitions. The information provided with the application details that this is the case (see Part 1.7 of this report).

The removal of the more recent additions to the south near to the Listed ward blocks is welcomed as this will enhance the setting of these buildings. The details in the Environmental Impact Assessment Addendum vary the extent of demolition entailed from the original submission and accord with the amended scheme e.g. the Engineers and Gardeners Store rooms are now to be retained. It is considered that for clarity a condition should be imposed relating to the approved areas of demolition.

Walled Garden, Parkland and Lake

Landscape mitigation proposals have been considered in the Environmental Impact Assessment and a Management Plan has been outlined. These reports generally indicate how the landscape could be enhanced in a sensitive and sympathetic manner to its historic character and where additional screen planting may be required. By way of example, planting of a woodland buffer is proposed to screen to the Holiday Accommodation.

The areas of demolition around the southern ward blocks will be “converted back to parkland” i.e. grassland with planting including specimen trees.

The landscaping details as submitted include the removal of trees e.g. conifer screens (north of Llynfi Ward), thinning of woodland to create glades and enhance ecological value of the woodlands, coppicing of waterside willow and Alder, selective removal of Douglas fir and replacing with native broadleaf species.

The main avenue approaching the Castle will be reinstated following removal of the Leylandii and Lawson Cyrpress and other “insignificant” trees. The Rose Arbour will be replaced by a formal, clipped yew avenue.

Other enhancements on the approaches to the Castle will entail removal of the lower car park and its restoration to parkland with a realigned access road and coach stop area. Screen planting of the Spa, and throughout the site, hedgerow planting to screen parking areas to a degree is proposed.

The supporting information for the landscaping provides some information regarding species and protection of existing trees.

Whilst the general principles of maintenance, management and new planting are considered acceptable detailed information is required and should therefore be a condition in approving the application.

Walled Garden

The Walled Garden is in a state of disrepair. The Glasshouses are derelict and the area overgrown. The details submitted indicate the use reinstated with vegetable garden areas and also areas that could be used by residents.

It is considered that this is to be welcomed and thus if approving the scheme, conditions relating to the details of any structures and walls should be required.

As with all the development that relates to the restoration of the site consideration will need to be given to the phasing of the work to ensure that the Listed Building and its environs are restored.

Drainage

The site foul drainage is intended to be served by the existing plant which currently also serves the Hotel and Leisure Complex. There are no objections to the principle of this but before development proceeds on any of the conversions and new build for any residential form of use full details of the existing capacity and potential to take the additional uses or upgrading of the plant are required. A condition should therefore be imposed.

In respect of foul sewerage, again studies of the existing, upgraded, treatment plant serving the site and the adjacent Hotel and Leisure Complex indicate that “to date (are that) the Treatment Plant in its present form will be adequate to serve the proposed development.” (Para. 14.3.6 EIA addendum p.165) As noted by the Environment Agency this should be formally agreed and any further upgrading that may be deemed to be required the subject of consultation and agreement with the Local Planning Authority.

In relation to surface water drainage the EIA addendum states that a review of existing surface water drainage channels will be undertaken and again this requires details to be agreed by the Local Planning Authority to ensure that flooding and pollution of the watercourses into which the existing system drains, including the Millpond, does not occur as a consequence of the development.

Details of improvements to the culverts feeding to/from the lake and works around the lake are referred to in the EIA. The land drainage issues have been considered by the Engineering and Design Section and the Environment Agency, Greenfield flows are required for surface water drainage and clarification of specific works to culverts and spillways to the lake by condition will be required.

Ecology

Issues of ecological impact have been considered in relation to all elements of the scheme by both the Council's Ecologist, the Countryside Council for Wales and the Environment Agency.

Protected species are present at the site and the comments of the above are referred to in Appendices H, E and J respectively.

Further work on the studies already undertaken and a Management Plan detailing the mitigation impacts for the development in relation to protected species and their habitats as well as for the woodlands, parkland and lake itself are all essential.

The development has been considered in relation to adverse impacts on the protected species known at the site and on the ecology of the area generally. Similarly, mitigation for and potential enhancements for protected species and their habitats have been considered.

The Holiday Accommodation has been relocated in the amended scheme nearer to the established Hotel and Leisure Complex and this protects from development that area of pasture nearest to the lake. The amended siting takes activity slightly further from the lake and thus provides more of a buffer and protection to habitat than the originally submitted scheme.

Access and Parking

Access to the development as a whole will be provided from two points, namely the existing access serving the former hospital and the entrance serving the Golf Course, Hotel and Leisure Complex.

It is considered that upgrading of the internal access roads will be required, including provision for pedestrians, cyclists and for an element of lighting. The scale and design of these upgrades will require more detailed input but generally the proposal in access terms in respect of the internal road network is acceptable.

The proposal to service the Holiday Accommodation from within the Golf Course development with a single communal car park adjacent to an overflow car park for the established hotel, etc. is also acceptable. It is noted that a through route for vehicles to the Hensol Castle site is indicated and the comments of the Highway Development Section are noted at Appendix M. This is a matter that has been raised with the developer and it is not intended that general vehicular access is made available from the golf course and hotel complex (timeshare) to the Castle.

In terms of on-site parking given the diverse uses and their dispersal around the site, the areas of provision are generally located around the buildings other than the Holiday Accommodation where, as stated above, parking will be in one communal area. 79 spaces are indicated for the 36 units and a further 119 spaces to the 'overflow' car park.

The parking for the Hotel and Spa will be to the north-east of the Spa Building with 136 spaces and a rear service yard accessed via the rear of the proposed staff accommodation. Parking for the two separate areas of staff accommodation is proposed alongside the units and extends to 36 spaces adjacent to the three converted northern Ward Blocks and 12 adjacent to the converted and extended buildings north of the Walled Garden.

Parking for the apartments will be sited to the rear or side of the blocks. Spaces indicated on the master plan indicate the provision of a total of 157 spaces for 59 units – 2.5 spaces per unit. Provision of disabled parking bays within the parking areas generally is required and similarly provision for secure bicycle parking should be considered. A more detailed scheme for parking will therefore be required generally throughout the site.

An existing public footpath will be routed through the overflow and holiday car parks along the internal access road to the ward blocks at the south-eastern corner of the site to connect with the path adjacent to and running to the north of the new clinic building to the south-east of, but lying outside this application's site. Clear signage will be required to ensure clarity of route to ensure the path is clearly defined and accessible.

Education

The residential elements of the scheme are of a scale that there is a potential identified need for additional school provision in terms of pupil numbers. The comments of the Director Learning and Development are reported at Appendix K. These identify a potential need for 6 nursery, 16 primary and 12 secondary age pupil places at local schools. The 'local' schools identified at Pendoylan and Cowbridge are currently over subscribed with projections being that this is likely to continue.

As a consequence there is a need for additional accommodation to meet the projected demand. Thus a figure of £176,100 has been identified. If the decision is to approve the development, consideration as to the need for this contribution under a Section 106 Legal Agreement should be balanced against the significant costs of restoration identified by the developer. Comments of the developer's agent on this particular matter are awaited.

Other Considerations

Part 3.9.6 (page 20) of the EIA addendum has identified existing oil storage tanks on the site thus contamination of part of the site may exist in relation to oil tanks which are to be decommissioned. It is considered that details of an assessment for contamination and mitigation measures for such, if identified, should be required by condition.

A further area to be considered is the likely impacts during the development phase itself from demolition works, contactors vehicles and storage compounds. Details controlling this, including access of vehicles over the listed bridge at the Hotel site entrance, should be required.

Excavated materials will be re-used throughout the site, for example the material has been identified in the EIA as suitable for screen bunding to the holiday accommodation, as a base for car parking areas, in the proposed roundabout at the southern part of the site and in recontouring land between the north of the Castle and the Walled Garden.

Conclusions

In considering the planning merits of the scheme, reference has been made to the terms of the EIA in relation to impacts of the development and any proposals for mitigation. Whilst there are consequences for the environment generally from the development there is potential enhancement not only of the built environment but of the natural environment through a requirement for a Management Plan for the site as a whole.

Having regard to the need to safeguard the long term future of the Grade I listed Castle and its setting, including the beneficial use of curtilage buildings which are also listed, the scheme as amended is considered appropriate in this instance.

Regard has been paid to the Development Plan and in accordance with Section 70(2) of the Town and Country Planning Act, 1990 (as amended) the Local Planning Authority has had "regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations."

In this regard, the development for residential purposes is considered to be justified on the basis of constituting enabling development for the restoration of the Castle. Other than the residential use of the Ward Blocks, the development is considered to be in accord with the Development Brief for the site and generally accords with Policies ENV1, ENV4 Special Landscape Areas, ENV7, ENV10, ENV11, ENV12, ENV15, ENV17, ENV16 Protected Species, ENV18, ENV19, ENV27, ENV29, HOUS12, ENV3, TOUR1, TRAN10, REC12 and COMM2 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

Consideration of the application was deferred from the Planning Committee of 5th April, 2006 and it is anticipated that this will take place on 3rd May, 2006.

Subject to all necessary legal agreements being entered into and subject to conditions, it is recommended that planning consent be granted.

RECOMMENDATION

That subject to the applicants first entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in relation to:

- The provision of a financial contribution for the provision of Affordable Housing in lieu of provision on site.
- The provision of a financial contribution for the provision of Educational facilities;
- A whole site Management Plan for Ecology on the site;
- A whole site Management Plan for maintenance of the Parkland and Lake.
- A Management Plan for the Holiday Accommodation and staff Accommodation, including reference to tenancy agreement/leases for these properties;
- The entering into agreement under Section 278 of the Highways Act to undertake works to the highway for the provision of Highway Safety Measures, Street Lighting and Signage.

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.

Reason:

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

2. The development shall be carried out in strict accordance with the terms of the Environmental Impact Assessment studies, the approved plans and details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To safeguard the character and setting of the Listed Buildings on the site, the character and setting of the Historic Park and in the interests of the amenities of the Special Landscape Area within which the site is located.

3. This consent shall relate to the drawings as detailed on the attached Drawing Schedule.

Reason:

For the avoidance of doubt as to the approved plans.

4. Prior to the first beneficial occupation of any part of the development hereby approved, the extent of curtilage allocated to the respective uses shall be detailed on a Site Master Plan which shall be submitted to and approved in writing by the Local Planning Authority and the curtilage allocation shall thereafter be so maintained at all times to serve the respective uses.

Reason:

To ensure that the character and setting of the Listed Buildings and Parkland are safeguarded and to ensure an acceptable allocation of curtilage to serve the respective uses.

5. 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.

Reason:

To safeguard local visual amenities.

6. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order howsoever no gate, fence, wall or other means of enclosure shall be erected, placed, constructed or altered other than as approved under Condition 5 above, without the prior written consent of the Local Planning Authority.

Reason:

To ensure that the character and setting of the Listed Buildings and Parklands are safeguarded.

7. The holiday accommodation, detailed on Drawing No. G1986(05)S1004A shall not be used as a person's sole or main residence at any time.

Reason:

The development as unrestricted residential accommodation would not be acceptable in this rural area.

8. The holiday accommodation referred to in Condition No. 7 above shall not be occupied by any persons or group of persons for a period in excess of 6 weeks during any calendar year.

Reason:

The development as unrestricted residential accommodation would not be acceptable in this rural area.

9. The developer or any subsequent owner shall make available for inspection by the Local Planning Authority a register of the names and main residential addresses of all the occupants of the holiday accommodation and their periods of occupancy within two weeks of the Local Planning Authority making such a request in writing.

Reason:

To enable the Local Planning Authority to monitor the holiday accommodation in accordance with Condition Nos. 7 and 8 above.

10. Prior to the erection of any of the holiday accommodation units referred to in Condition No. 7 a schedule detailing the management of the site in relation to car parking and vehicular access shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be managed in accordance with the agreed details unless the Local Planning Authority gives written consent to any variation.

Reason:

To enable the Local Planning Authority to monitor the holiday accommodation in accordance with Condition Nos. 7 and 8 above.

11. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order howsoever, the holiday accommodation units referred to in Condition No. 7 above shall not be physically altered in anyway without prior written consent of the Local Planning Authority.

Reason:

The development is approved as restricted accommodation and to enable the Local Planning Authority to maintain control over the scale and nature of the development in this rural location.

12. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order no development under Part 1, Schedule 2 Class E of that Order shall take place without the prior consent of the Local Planning Authority.

Reason:

The development is approved as restricted accommodation and to enable the Local Planning Authority to maintain control over the scale and nature of the development in this rural location.

13. Prior to the commencement of any development on site other than the demolition of buildings as approved by this consent a phasing programme for the development of the site including details of the phasing of the provision of car parking and access to serve each element of the development as identified in the Phasing Programme and for the restoration of the Walled Garden and the Hensol Castle, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved Phasing Programme.

Reason:

To ensure that the development of the site is undertaken in an ordered way to ensure an acceptable form of development in this historic park and in relation to securing the long term future of the Listed Building.

14. Prior to the first beneficial occupation of any part of the site and in accordance with the Phasing Programme referred to in Condition No. 13 above, details of car parking and bicycle parking layouts, including parking for the disabled, shall be submitted to an approved in writing by the Local Planning Authority and the parking areas shall be provided in accordance with the approved details prior to the first beneficial occupation of that part of the development to which they relate and shall thereafter be so maintained at all times to serve that development.

Reason:

To ensure that adequate parking is provided to serve the development in a manner and form that safeguards the setting of the Listed Buildings and the historic parkland.

15. The occupation of the residential development referred to as staff accommodation and detailed on drawing Nos. G1986(05)NW01-09 inclusive, and G1986(05)SA001-4 inclusive, shall be limited to a person solely or mainly employed in the business of the Hotel and Spa hereby approved unless the Local Planning Authority gives prior written consent to any variation.

Reason:

The development in this rural location is approved solely as staff accommodation to support the Hotel and Spa as detailed in the Environmental Impact Assessment Addendum supporting the application.

16. The staff accommodation referred to in Condition No. 15 above shall not be physically altered or extended in anyway without the prior written consent of the Local Planning Authority.

Reason:

The development in this rural location is approved solely as staff accommodation to support the Hotel and Spa as detailed in the Environmental Impact Assessment Addendum supporting the application.

17. Prior to the first beneficial occupation of the site and in accordance with the Phasing Programme required by Condition No. 13 above, details of the alignment, materials of construction, lighting and marking of all internal access roads, footpaths/pedestrian links and cycle routes shall be submitted to and approved in writing by the Local Planning Authority and the details as approved shall be implemented in accordance with the agreed Phasing Programme.

Reason:

To ensure safe access to the development.

18. Notwithstanding the detail in the Environmental Impact Assessment Addendum details of current and proposed usage of and the capacity of the existing Sewage Treatment Works and details of any upgrading works required following assessment of the capacity shall be submitted to and approved in writing by the Local Planning Authority and all approved upgrading works shall be undertaken prior to the first beneficial occupation of any part of the development hereby approved unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure that the development is properly serviced in relation to foul water in the interests of the environment generally.

19. Prior to the commencement of any part of the development as approved in the Phasing Programme required under Condition No. 13 above, details of the means of surface water drainage, restricting flows to Greenfield flows and providing for oil interceptors to accommodate surface water drainage from parking areas, hardstandings and roads shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details prior to the first beneficial use of that part of the development which it serves.

Reason:

To safeguard the water environment from pollution and to protect against flooding in the area.

20. Prior to any work on existing culverts, spillways or land drains details of the work and details of any new bridges and culverts shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect against flooding in the area.

21. Prior to the commencement of any work on site other than the demolition of buildings as hereby approved, a scheme of landscaping for the site detailing the measures for protection of all trees to be retained on the site, all new tree and shrub planting, detailing location, species, size and density of planting shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the visual amenities of the Historic Parkland and site in general are protected and enhanced.

22. 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.

Reason:

To ensure satisfactory maintenance of the landscaped area.

23. The approved scheme of tree protection shall be undertaken on site prior to the commencement of any works within 20 metres of the trees to be protected and shall be so retained on site for the duration of all works in relation to the development hereby approved, including storage of materials in relation to the development, unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To safeguard trees which are to be retained from damage during development in the interests of the visual amenities of the area.

24. Prior to the commencement of any excavation works, plans detailing the areas, including finished levels in relation to existing levels, for the disposal of excavated material on the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure that any excavated material is properly disposed of or re-used on site.

25. The lake and its island, embankments and surrounds shall only be used for purposes to be identified in a scheme, including details of any structure or platforms to be erected, built or placed in or around the lake, to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of all works in relation to these uses at the Lake in accordance with the approved Phasing Programme and for no other purpose whatsoever without the prior written consent of the Local Planning Authority.

Reason:

To ensure that the ecological value of the lake is not adversely affected.

26. No work on site shall take place other than outside the nesting season (March – September inclusive) unless a survey has first been undertaken to confirm that no nesting birds are present on that part/parts of the site on which development is to take place.

Reason:

To ensure that the ecological value of the lake is not adversely affected.

27. No development shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To identify and record any features of archaeological interest discovered during the works in order to mitigate the impacts of works on the archaeological resource.

28. No site works shall be undertaken until the implementation of a programme of building recording and analysis has been submitted to and agreed in writing by the Local Planning Authority in accordance with an agreed brief and specification.

Reason:

As the building is of architectural and cultural significance the specified records are required to mitigate impact.

29. Prior to the commencement of any work on site, including any demolition works, details of the access route(s) to and within the site for all construction vehicles, other than cars, and details of all areas on site for parking of contractors vehicles including cars, and signing of such access and parking shall be submitted to and approved in writing by the Local Planning Authority. The access and parking for contractors shall thereafter be carried out in accordance with these agreed details for the duration of the works relating to the development hereby approved.

Reason:

To ensure satisfactory access and parking to serve the contractors and to ensure that the Listed Building is not adversely affected by the development.

30. Prior to the commencement of development details of measures for wheel washing and dust suppression shall be submitted to and approved in writing by the Local Planning Authority and the approved measures shall be fully implemented on site prior to the commencement of any works and shall thereafter be so retained for the duration of the development unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure highway safety and that the amenities of the area are not adversely affected.

31. Prior to their use on site samples of the materials to be used in the erection of the Spa, the new build staff accommodation and the Holiday Accommodation, or in the case of stonework a sample panel, shall be submitted to or made available on site for inspection by and the written approval of the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure that the development does not detract from the character and setting of the Listed Bridge or the general environment of the Special Landscape Area.

32. Prior to any construction works for the restoration of the Walled Garden details of any enclosure, structures, glasshouses or buildings shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

Insufficient details of any development in the Walled Garden have been submitted.

33. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order howsoever, access to the site shall be as detailed in the approved drawings and as approved under Conditions 13 and 17 and no additional or alternative means of access to the public highway shall be created without the formal consent of the Local Planning Authority.

Reason:

To ensure a satisfactory form of access is provided to serve the development as a whole in the interests of highway safety.

34. Prior to the renewal of any oil tank, clinical waste store, petrol filling station or any other waste identified in Part 31 of the Technical Appendices of the Environmental Impact Assessment a scheme of mitigation for the presence of contaminants shall be submitted to and approved in writing by the Local Planning Authority and any approved mitigation scheme shall be fully implemented with the agreed scheme prior to the first beneficial use of that part of the site to which the scheme relates.

Reason:

To control and remediate any pollution on site.

NOTE:

- 1. Where the proposal requires both Planning Permission and Listed Building Consent or Conservation Area Consent work must not be commenced until both consents have been obtained.**
- 2. You will note that a condition has been attached to this consent and refers to an archaeological programme of work being carried out. It would be advisable to contact the Glamorgan Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea SA1 6EL, Tell (01792 655208) at least two weeks before commencing work on site in order to comply with the above condition.**
- 3. 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.**
- 4. Your attention is drawn to the provisions of sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institute code of practice BS 5810: 1979) or any prescribed document replacing that code.**
- 5. Your attention is drawn to the provisions of sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institute code of practice BS 5810: 1979) or any prescribed document replacing that code.**
- 6. This permission does not purport to grant consent for the display of any advertisements which require consent under the Town and Country Planning (Control of Avertisements) Regulations, 1992.**
- 7. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**

- 8. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.**
- 9. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 10. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**
- 11. In accordance with Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Local Planning Authority took into account the environmental information submitted with this application.**

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.

J H Leeke & Sons Ltd, Mwyndy Business Estate, , Pontyclun, , CF62 8PN. ,
RPS, Park House, Greyfrairs Road, Cardiff, CF10 3AF. , ,

Hensol Castle, Pendoylan, Cowbridge

The conversion of a grade I listed castle and associated service courtyards to a spa hotel and construction of additional serviced accommodation for the spa hotel by the addition of an extension to the immediate North of the castle building.

SITE DESCRIPTION

Hensol Castle is a substantial stone mansion situated in rolling countryside on the western side of the Ely valley. The two and three-storey house is built around several courtyards, with the main entrance front and principal accommodation located on the southern side.

The house is located within a former historic park orientated north-east to south-west, the centre part of which is occupied by a large lake impounded by an earthen dam at its north-eastern end.

In 1927, the land became a hospital and a series of hospital buildings of several periods, including ward blocks, a communal hall, workshops and nurses training centre were developed in various locations. Most notably, the buildings to the south of the Castle are planned in a formal, oval layout centred on a large communal hall. The latter is on a formal, comparable axis with the Castle, the two buildings being linked by an avenue lined by mature copper beech and beech trees.

A stream flows from the lake through a large historic kitchen garden enclosed in walls now ruinous. From here it flows into a serpentine shaped mill pond, under a separately listed bridge dating from circa 1840.

The main entrance to the site lies to the north-east off the Hensol to Miskin Road. It is flanked by gate piers and a picturesque listed gate lodge, now in separate ownership.

DESCRIPTION OF DEVELOPMENT

The proposals which require listed building consent involve the conversion of the Castle into a spa hotel. The proposals involve extensive internal re-ordering of the historic building, together with extensions:

- To the inner courtyard, to provide a restaurant.
- To the outer courtyard, to provide a glazed reception area.
- To the north to provide a new spa building.

There are also demolitions to various late (hospital) elements, including glazed, covered walkways to the courtyards, and a chimney stack.

PLANNING HISTORY

05/00087/FUL – Comprehensive mixed use redevelopment of the site; not determined. This comprises the planning application relating to the Castle, ward blocks, time share housing, staff accommodation and other components of the site, also under consideration at Committee.

05/00297/LBC – Conversion of seven ward blocks and concert hall to residential use, not determined. This application is also under consideration at Committee.

There are numerous applications relating to the use of the site as a hospital. The most notable is 95/01015/LBC which considered the general re-roofing and restoration of the turrets of the Castle.

Apart from its use as administrative offices, the Castle was also occupied as a conference centre from the mid 1990s onwards.

CONSULTATIONS

Pendoylan Community Council – “Approve the planning application No. 05/00088/LBC.” Other comments received from the Community Council regarding traffic are not of relevance to the determination of an application for listed building consent.

Glamorgan Gwent Archaeological Trust – “Thank you for sending details of the applications for the above site. This application is for alterations to a listed building. The Royal Commission on the Ancient and Historic Monuments of Wales should be given the opportunity to record the structure prior to any works being undertaken.

As we noted in your letter of 4th March 2004, our ref: VOG0616/CNM, the proposed development includes Hensol Castle (parts of which date to the 17th Century) and its park and gardens. Therefore, the impact of the proposed development on the archaeological resource is a factor in the determination of these planning applications for the proposed development. We recommended that an archaeological desk based assessment is undertaken prior to the determination of any planning application submitted. We have received no report and assume that the work has not been undertaken.

We therefore recommend that the applicant commission an archaeological desk top assessment for this application area. Such a work would consider the nature and location of archaeological remains that may exist on the site. This work will clearly identify the archaeological resource of the area and allow appropriate mitigation measures to be proposed in order that this application can be determined. This recommendation follows the advice given in Welsh Office Circular 60/96, Section 12.

It should also be noted that it may become apparent that further investigation including archaeological evaluation may be required to be undertaken prior to the determination of any planning application if significant archaeological features are identified during the compilation of the desk based study.”

Six Statutory Bodies:

Royal Commission on the Ancient and Historical Monuments of Wales –

“The remit of the Royal Commission permits us to comment only on the historical significance and context of a monument or structure and on the adequacy or otherwise of the record. On this occasion we have no observations on the detail of the application except to note that they are informed by an admirable conservation statement. However, as an element of demolition is proposed we may wish to make a record of the building before alteration. I therefore enclose a copy of form RCAHMW(1) to be returned to us by the applicant should Listed Building Consent be granted.”

The Georgian Group – “Thank you for informing the Group of an application for listed building consent at Hensol Castle, Miskin, Pontyclun. Due to the importance of Hensol Castle and the scale of the proposals we have visited the site and the Executive Committee of the Group have discussed the proposals. We offer the following comments on the proposals to convert and extend the Castle into a spa hotel.

Architectural and Historical Summary

Hensol Castle represents a remarkable piece of archaeological history and is rightly listed as grade I. Although it has been described as an ‘archaeological puzzle’, its appearance is derived from several phases of reinvention and remodelling, it is undoubtedly aesthetically imposing and surprisingly well composed.

The Castle has late 17th – early 18th Century origins but under the Talbot family in the early 18th Century it was heavily reworked in a Gothic style, possibly by the London architect Roger Morris. It was also at this time that the landscape park and lakes were laid out. Towards the end of the 18th Century the Castle passed into the hands of Samuel Richardson who through the addition of battlements, turrets and towers contrived the mock baronial Castle effect. Although these additions produce a somewhat haphazard and bewildering visual effect they are well balanced and the overall result is a building with good rhythm to the arrangement of tower-curtain wall-turret-curtain wall.

During the 19th Century the Castle passed onto the Hall/Crawshay family and then in 1838/9 to the Fothergill family. It was the Fothergill family who commissioned T.H. Wyatt and David Brandon to enclose the two courtyards, re-fenestrate the house and perhaps most importantly, remodelled much of the interior. The Castle was then sold in 1927 to Glamorgan County Council who established a hospital at the Castle and set about altering large areas of the Castle and constructing new ward buildings in the grounds.

The current layout of the Castle and the surrounding grounds is very much a product of the Castle as a large country house and then in the 20th Century use as an institution. Some of the principal rooms to the front of the Castle are richly ornamented and remain in good condition but the courtyard wings to the rear have been heavily altered and have lost significant amounts of character. Similarly the construction of the wards and service buildings has severely impinged on the setting of the Castle and the landscaped parkland. However this loss of character to parts of the Castle and the degradation of the landscape setting should not be regarded as encouragement for further inappropriate development. Rather, any new development should be steered towards preserving what survives of the historic fabric and removing unfortunate later additions to the Castle and parkland.

Notwithstanding the alterations and additions mentioned above, Hensol Castle remains one of the best early 19th Century castles in Wales. Along with Cyfartha Castle and Margam Castle it is a monument to the great and growing industrial power of South Wales at the beginning of the 19th Century and it has been designed with a precise intent – to display wealth and impress.

Impact of Proposals

It is therefore the opinion of the Group that the proposals to further extend the Castle through the construction of a spa building are unacceptable. Not only would the proposed building intrude into the northernmost (outer) courtyard, proving to be a physical break of the Castle boundaries but it would also severely disrupt the external harmony of the east (and west) facing elevation; the strong castellation rhythm would be abruptly truncated by a stark monolithic block lacking any of the fantasy and flourish which abounds at Hensol.

As already stated the Castle is clearly the product of many phases and it has undergone significant remodelling during the previous three hundred years. However the result of that constant change and updating is a coherent castle structure, one that has a distinct form and identifiable layout. To alter that layout and cohesiveness is in our view plainly unacceptable and very much unwelcome.

Given that the applicant has acquired the Castle site in total and is also the owner of the adjacent hotel site, the Executive Committee believe that any change of use should be accommodated by the existing building stock or by means that do not impinge so heavily on the main Castle building. The proposed level of new build within the site is significant and we must take issue with the figures produced by the applicant that attempt to show that the level of new structure equates to around two thirds of the amount that will be demolished (unsympathetic 20th Century additions, poor ward buildings, etc.). As a whole the proposals will produce a landscape of crowded development; the landscape and Castle are currently severely compromised but under the current proposals they would become even more so. To the north the spa building would be inserted into the outer courtyard, the hotel/spa car park would be squeezed up against the rear and side of the Castle and would occupy a footprint equivalent to that of the Castle itself. Whilst to the south although it is proposed to remove a number of large buildings, the overall density of development would be greater; car parking and access to the converted ward buildings has to be increased, tennis courts and overflow car parks are to be introduced, and finally the cul-de-sac layout of 'timeshare lodges' is quite inappropriate for a grade II registered landscape to a grade I building.

Current guidance on listed buildings and associated settings is quite explicit in stating that listed building consent should pay special regard to preserving the setting of a listed building especially if the building (here a *country* house) is surrounded by gardens or a designed landscape (Circular 61/96, para. 11). In terms of Hensol the proposals to remove the institutional buildings immediately to the north of the Castle should be welcomed as they contribute little to the setting of the Castle, however it must be asked if the proposed spa bath extension actually contributes in any positive way to the setting of the Castle. If it does not contribute positively to the setting of the Castle then it should not be given consent.

Other Areas of Concern

In addition to our concerns over the proposed extension of the Castle we would like to highlight the following additional points:

- We would prefer that any new restaurant building within the inner courtyard should consist of cast iron columns and arched glass openings as opposed to the intended use of timber framing. We do not object to the proposed lime rendering of the courtyard elevations.
- We recommend a note of caution over the proposed installation of the lift and stair in room G15. We suggest that it be proven that no significant areas of ceiling or floor structure are to be effected by the installation of the lift and the insertion of the stair and that all areas which are to be affected are subject to sufficient and proper recording prior to commencement of and during the course of any works.
- We do not object to the proposed removal of the ground to first floor division in the area of F16 – 18 as long as sufficient evidence exists to show that this division is modern in nature and not a significant historic feature.

Regardless of these additional issues we must reiterate our view that the central area of concern is the extension of the Castle; we are firmly of the opinion that its grade I status should afford it sufficient protection from being heavily altered in such a way as proposed. We do have other concerns over the detailing of the conversion of the Castle and the proposed developments within the surrounding landscape but the Group's main objection to this application remains the extension of the Castle".

Ancient Monuments Society – "Thank you for consulting us about the above applications. I am sorry for the delay in this response."

The Conservation Statement enclosed with your notification includes a useful overview of the history of the property and the evolution of the Castle buildings. As it concludes with the statement that the former hospital buildings have been bought by the owner of the adjacent golf course and hotel, so reuniting the Castle and most of its former parkland, it is a pity that there is not an holistic assessment of the whole estate and its buildings.

The two applications sent to us show an approach based on selective demolition, conversion of retained buildings and a major extension to the Castle. We understand that there are also proposals for building new timeshare lodges though we have no information on this part of the scheme. The combination of selective demolition, conversion and new build may be the appropriate solution for Hensol but on the basis of what information is available to us it appears that there are problems with the scheme shown in the drawings.

Firstly, there does not appear to be any overall strategy for the development of the estate. This should be based on historical understanding (which does appear to have been attempted) and then an analysis of how the buildings and landscape features which now exist have contributed to the interest of the site which is protected by various heritage designations. Some elements may well be intrusive into the special interest of the property but it is not clear to what extent demolition or retention is governed by such factors. Without a clear statement of justification decisions appear to be based on expediency rather than a considered approach.

Secondly, the size of the proposed extension to the Castle to form a spa and the form which it takes appear unsympathetic. The applicants own statement makes it clear that the initial wish was to include a spa within the historic Castle; this appears to have been set aside because it was deemed 'unsustainable' as it would involve roofing over courtyards and installing plant in undesirable places. We are not convinced that these alternatives are worse than the proposed extension. In any event, even if it can be shown that some extension is necessary we believe that something both smaller and lighter may be more appropriate. Moreover, we are unsure about the merits of creating a new entrance to the Castle via this old/new clock tower entrance/reception rather than maintaining the historic principal approach.

The 'necessity' to have a spa at all is in itself a result of the applicant's vision for the site. We are not sure how this vision for the Castle links with an overall vision for the historic estate which already includes an hotel and golf course as well as the proposed residential accommodation to be provided in the converted buildings and the timeshare lodges. In the end it is for the applicant to modify his vision to meet the historic constraints of the site rather than for the site to be further altered, in the wish to meet the applicant's vision, and taken yet further away from the state which makes it of special interest.

We should be pleased to receive notice of your Council's decision on this application in accordance with the direction in paragraph 10 of Circular 1/98. If our comments are referred to in any committee report or document supporting a delegated decision then we should be pleased to see a copy of such report or document."

The Society for the Protection of Ancient Buildings – "Following my previous letters, I put forward the detailed proposals for both applications for full consideration by our Committee which has just met.

They commended the conservation work to the Castle fabric proposed by the architect and the 'deinstitutionalisation' of the interior. They felt that the overall concept of a new use as hotel and spa was appropriate. The detailed conversion statement is welcomed and the recommendation is that, should the application receive consent, the work to the Castle fabric should receive close ongoing architectural supervision to ensure the maximum care and retention of historic fabric. Architectural paint analysis to identify the original decorative scheme is recommended.

Members could not agree to the proposal for the glazed reception block surrounded by water in the outer courtyard. Apart from the visual impact on the historic fabric, they felt that the use of glass on this scale was energy hungry. They would prefer all these new facilities to be sited in the new spa block to the north. Although acknowledging the size of this block, they felt that if necessary it could nevertheless be minimally extended at the rear (i.e. north) to provide any additional accommodation without further affecting the setting of the Castle.

As for the appearance of the spa block, they supported the concept of a modern design but felt that it needed further development. They would prefer it to be less high – indeed the overall message was 'longer and lower'. They felt that there was an uneasy relationship between the levels of the old and new buildings, in particular the differing levels of the main window ranges. There was some concern at the prominent position of the large main car park, shown on the Development Plan.

They voiced no objection to the conversion of the ward blocks and other ancillary buildings to dwellings, and welcomed the demolition of poor quality items. They noted on the Masterplan provision for an area of timeshare lodges, although details of this were not included in the current application, and felt that this would represent very substantial over-development of the graded park”.

REPRESENTATIONS

See the above comments, in particular with regard to the extensive responses from the Georgian Group, Ancient Monuments Society and the Society for the Protection of Ancient Buildings.

REPORT

For the sake of clarity, it should be noted that this report relates to the impact of the proposed works on the character and special interest of the listed building. Land use and amenity issues are dealt with under planning application 05/0087/FUL, separately reported.

Also before Committee is a further application for listed building consent (05/00297/LBC) which involves the conversion and alteration of seven ward blocks and the former concert hall to residential use.

The application under consideration is complex in content and contains a wide range of supporting information, including an extensive range of plans and a 'Conservation Statement'. For clarity, the report is, therefore, divided into sub-headings which will consider the principal issues involved in the determination of the application.

- Planning Background
- Historical Background/Architectural Appreciation
- Recent History of Development
- Condition of the Buildings
- Description of the Principal Proposals
 - (a) General
 - (b) Internal Alterations
 - (c) The Proposed Extensions
 - (d) Approach to Repair
- The Issues and Conclusions

As Hensol Castle comprises a grade I listed building, under Section 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council is not empowered to grant approval without notification to the National Assembly for Wales. The Assembly is allowed a period of 28 days during which it may direct that the application be referred to it under Section 12 of the Act, or give notice to the Council that further time is required in which to consider the application.

Planning Background

Members will be aware that Hensol Castle has been vacant for several years following the closure of the former hospital and conference centre by the Bro Morgannwg NHS Trust.

In response to the demands for the reuse of this important historic site, the Council prepared a Development Brief which provides a planning framework for the development of the Castle, associated buildings and historic parkland. Paragraph 4.1 of this document contains interpretation and advice concerning the reuse of the listed buildings and their repair.

The Brief was considered on the 17th and 19th September, 2003 by Cabinet and Planning Committee respectively. It was ratified by Cabinet on the 22nd October, 2003 following extensive consultation, and adopted for Development Control purposes on the 7th July, 2004 (Minute C/405 refers). It has been used as a basis in discussions with a number of interested parties concerning the disposal and future of the site, including the proposals now under consideration.

The Castle is listed, grade I as a 'major country house which retains 18th Century fabric of national importance in the development of the Gothic style whilst also representing a fine example of early Victorian remodelling' (quoted from listing description). It is also set in a mid 18th Century landscaped park, also listed grade II in the Cadw/ICOMOS UK 'Register as Landscapes, Parks and Gardens of Special Historic Interest in Wales (Glamorgan)'.

Historic Background and Architectural Appreciation

The application is accompanied by Conservation and Environmental Statements which describe the evidence for the history of change and development at the site. Chronological plans illustrate the complex pattern of alteration and change since the first foundations of the present house in the late 17th Century.

Following a series of wealthy, powerful owners during the first half of the 18th Century, Hensol underwent a range of alterations. Further changes took place in the early – mid 19th Century creating the complex pattern of architectural styles now present. In summary, it forms a substantial, gothic-revival two and three storey country house.

The plan of the Castle is laid out with the principal house containing fine 'show rooms' on the southern frontage. Extensions to the north have taken place to provide inner and outer courtyards, the latter providing a former coaching/stabling range.

The Conservation Statement provides a comprehensive audit of the surviving architectural features in the House.

Recent History of Development

The sale of the Castle in 1927 to Glamorgan County Council for use as a mental institution instigated a further major programme of works. The former stables and ancillary buildings around the north and south courtyards were heavily modified to accommodate dormitories, bedrooms, dining hall, kitchen and laundry.

It is fortunate that in the reuse of the Castle, the ground floor hall, staircase and principal rooms have retained much of their outstanding quality. However, at first and second floors there have been significant alterations so that, for example, principal bedrooms have been subdivided. There are also a number of inappropriate fire screens, partitions and doors which require removal.

Within the courtyards, covered walkways were provided to facilitate circulation and windows/doors heavily altered.

Condition of the Buildings

Extensive repairs have been carried out to the external fabric in recent years, including complete renewal of the roof in natural Welsh slate, new lead-work and replacement of defective rainwater goods. New stucco work to the west front and to walls above roof level has been carried out using inappropriate cement render and modern paint finishes.

Internally, with the exception of the principal rooms, there has been significant damage to the original historic fabric and layout, with the widespread use of inappropriate materials and finishes.

Description of the Principal Proposals

(a) General

In accordance with good conservation practice, a Conservation Statement has been produced which includes an assessment of significance of the interiors of the building. There is room by room audit of the architectural detail to the interior of the building.

The content of the Conservation Statement is thorough and well conceived in its analysis. By means of a 'Statement of Significance' there is an overview of the main conservation issues. For example, recognition is given to opportunities that exist in the removal of intrusions to areas of major significance and their enhancement. Recognition is also given to enhance areas of lesser, minor significance.

(b) Internal Alterations

These have been informed by the definition of areas of major, moderate and minor significance contained in the Conservation Statement, and by the establishment of strong principles of intervention. For example, these seek to avoid the insertion of heavily serviced areas (e.g. bathrooms, toilet, kitchens) to areas of major significance. Throughout the scheme, considered good practice involving minimal intervention to areas of important historic fabric, has been observed. Of particular note are the following:

- A commitment to the conservation of principal ground floor 'show rooms' in their reuse as communal areas in the form of lounge, bar, conference and dining facilities.
- The removal of modern reception desk furniture from the hall and the restoration of the important hall/main staircase.
- The restoration of an original double height space between rooms G09 / F17 and F18, and removal of modern glazed screens to the adjacent corridor.
- The provision of new stairs / lift shaft and the associated removal of flooring between rooms G15, F38 and S1 / S22. These are in areas already substantially affected by recent alteration.
- Re-ordering of the first and second floor room layout by the removal of modern partitioning, to provide new bedrooms with en-suite bathrooms. Twenty-five bedrooms are proposed to be contained in the historic building.

The new layout is considered to be responsive to the historic plan of the house, in that inappropriate offices are removed in favour of the reinstatement of the former bedroom areas. In addition, a further benefit is the proposed reinstatement of the first floor landing area, currently subdivided by modern glazed screens.

- The provision of a new main kitchen / foodstores / washing up area to former conference rooms on the ground floor, eastern wing of the inner courtyard and a new studio area (involving the combination of former spaces by internal demolition), to the northern area of the inner courtyard.
- The provision of bathroom mezzanines to bedrooms 22 — 25 in the outer courtyard.

(c) The Proposed Extensions

These are as follows:

- The restaurant and associated covered walkway to the inner courtyards.
- The reception building, link and associated covered walkways (in the outer courtyard).
- The spa building.

The restaurant comprises a single storey addition located on the northern side of the inner courtyard. It is associated with a new lean-to, covered walkway located along the western side of the courtyard. These structures are provided with painted, framed glazed timber external screens and opening doors. The restaurant has a pitched roof finished in zinc, with a deep zinc fascia and boxed rooflights.

Within the outer courtyard, the new reception building comprises a contemporary, rectangular glass enclosure. It is a substantially freestanding structure, other than being attached at several points to the northern enclosing wall. It is constructed in exposed steelwork, with a flat roof and full height, frameless glazing. The building is of some height (5.700m to eaves) as it is designed to be constructed over, and contain part of the retained, turreted north wall.

The reception area is linked to the western outer courtyard range by a single storey glazed unit at a point below the clock tower. Access to the proposed new spa building is also provided beyond the courtyard to the north.

The spa building accommodates recreational (spa) uses, including spa and lap pools, steam rooms, relocation areas, tepidarium and changing areas. There are substantial areas devoted to the plant and equipment required to service these uses. It is located on the site of existing, single storey stores to the north of the outer courtyard and lies on the same north-south axis of the castle layout. The building is conceived as a 'third courtyard', being planned around a centrally located, double height spa pool atrium with hotel rooms at first floor level, and the pools at ground floor. There is also a lower ground floor, substantially occupied by plant and servicing.

The building is expressed externally by the windows being recessed behind balconies at first floor, sitting over a ground floor plinth, enclosing the windowless pool uses. The elevations are faced in natural stone ashlar blocks of a range of colour to reflect the Castle, with a pre-cast concrete string course and coping. The roof is faced with zinc cladding.

(d) Approach to Repair

Changes to the Castle exterior are to be limited to the removal of inappropriate intrusions. The outer walls comprise coursed grey stone, reddish rubble stone (to eaves and turrets) and render with freestone dressings (to the eastern elevation). These are to remain unchanged with the exception of the removal of sand / cement render to the western elevation and its replacement with traditional lime render.

The external repairs also include traditional lime rendering to the internal courtyard.

Repairs and alterations are envisaged to windows and doors where inappropriate changes have taken place, and these are recorded on the drawings. The new units being provided will be of types to suit the historic building.

The Issues and Conclusions

The following are the main issues which require to be considered in relation to the proposals under consideration.

- (i) The principle of extending the Castle beyond its existing historic form.
- (ii) The scale, form and architecture of the extension proposed.
- (iii) The potential disharmony to the east and west facing elevations.
- (iv) The intrusion of development into the outer courtyard.
- (v) The loss of form and coherence to the existing Castle.
- (vi) The use of the entrance to the outer courtyard as a principal means of access to the hotel, rather than maintaining the original, principal historic approach on the south front.

These are matters emphasised in representations from the Georgian Group, Ancient Monuments Society and, to a lesser degree, the Society for the Protection of Ancient Buildings.

Other issues relating to the wider historic parklands and the setting of the Castle raised by these bodies are matters evaluated in the report on the planning submission, and are not issues concerning this application.

(i) The Principle of Extending the Castle Beyond its Existing Historic Form

The approach taken is a conclusion of the applicant's design strategy. The proposed reuse of the site will involve hotel uses and spa facilities, each distinct in function, layout and potential impact on the historic building.

Hotel uses are more appropriate to the use of the historic building in that:

- Communal areas can be accommodated without disruption in principal 'show' rooms.

- The form of bedroom areas can be reinstated.
- Circulation areas can be enhanced (e.g. stairs, hall, landings).
- Services can be planned and routed to minimise disruption to historically important fabric.

Conversely, the **spa uses** require large amounts of mechanical and electrical servicing, including plant, in plan form (e.g. pools) and activity. They imply potentially damaging interventions, e.g. in the courtyards and to internal spaces.

Therefore, it is agreed that there is justification in the principle of extending the building for spa uses.

(ii) The Scale, Form and Architecture of the Extension

It has been previously noted that the extension is conceived of as a 'third courtyard' on the northern side of the building, thereby reflecting the historical development of the site. In form it comprises an extremely simple rectangular enclosure separated from the outer courtyard.

The elevations are simple and contemporary in flavour, with no applied detail to reflect the elaborate and complex styles of the adjacent historic buildings. This is accepted as a legitimate architectural approach. In addition, the use of carefully conceived, coursed ashlar stonework in colour to reflect the adjacent buildings and zinc roofing, will create a largely 'neutral' building in setting. It is accepted that it will be distinct from, but compliment the historic architecture to the South.

It would be an error to interpret the new building proposed on the basis of the elevational submissions alone. Reference to the working model for the site demonstrates that, in form and scale, the new structure would be ancillary to the main Castle complex. It is noted that in order to further control scale, ground floor level has been reduced by 1 metre in comparison to the adjacent courtyard level.

Further interpretation is required regarding the scale of the proposal in its immediate setting, both in terms of the principal approach from the North-east, and from parkland to the West (adjacent to the lake). From each direction it is noted that views are never direct and are contained within mature treescape. If there is concern regarding the potential impact of the building, this would relate more to views from the walkway over the dam to the lake (to the North-east) and adjacent, lower lying parts of the park, including the walled garden. These are views which require to be resolved by carefully considered modelling of ground levels and landscaping adjacent to the new building.

(iii) Disharmony with Existing East and West Facing Elevations

This issue is responded to in (ii) above, both in terms of the composition of the architecture / scale of the building and its interpretation in its setting. It would not be possible to observe the elevation in totality, and meaningful comparison requires to be undertaken sequentially, in different locations on the site.

(iv) The Intrusion of Development into the Northernmost Inner Courtyard

The glazed reception building is located in the outer courtyard at an intermediate point in the overall Castle layout serving both the hotel and spa uses proposed for the site. Its location is, therefore, a logical consequence of the design strategy referred to in (i). It has also already been noted (see 'The Proposed Extensions') that the reception building is retained largely independent of the southern, eastern and western courtyard walls. As it is designed with full height, frameless glazing to its overall walls, it would be transparent in form, with views to and from the enclosing courtyard beyond.

(v) The Loss of Form and Coherence to the Existing Castle Layout

There is an argument in favour of the strategy adopted for the reuse of the building and its extension, in that the layout and form of the Castle (Castle building, inner and outer courtyard) are retained. Alternatives would involve the infilling of the courtyard, as well as 'extensive', further alteration to surrounding historic structure.

(vi) The Use of the Entrance to the Outer Courtyard as a Principal Means of Access

Apart from its central location, the entrance below the clock tower will provide a most obvious point of arrival to the hotel / spa. There is the additional benefit of limiting the number of visitors from gaining access through the most important and architecturally sensitive parts of the building, via the existing entrance on the South front.

In conclusion, Hensol Castle comprises a grade I listed building. In terms of its architecture and historical development it is considered to be of national importance. Its reuse for hotel purposes is supported in that the proposals have been demonstrated to fit well into the layout of the historic building, with a minimal degree of intervention to the principal rooms and circulation areas. Opportunities have also been taken to conserve the most significant interiors, and to enhance areas previously damaged through the legacy of the former hospital activities.

The approach taken to this project in conservation terms has furthermore been commendable. A Conservation Statement has provided a succinct assessment of the historic value and significance of the building. This has formed a basis for future design decisions on layout and intervention in its structure and fabric. The approach taken to minimal intervention and conservative repair in key spaces is recommended.

The decision to extend the Castle beyond its existing form is considered to be justifiable in recognition of the principal of separating new, potentially damaging spa uses from the historic layout. This has enabled the existing historic form of the Castle to be retained with legibility, whilst enabling attention to be focussed on the sensitive and appropriate reuse of the historic areas. It is not logical, as has been argued in representations, to site the spa uses independently and elsewhere within the site without severely affecting the financial potential for reuse of the building and its associated repair.

The form, scale and architecture of the new extension remain the most contentious issue in the determination of this application. However, this report argues in favour of acceptance of this proposal, both in terms of its location to the north of the existing castle and in terms of the approach taken to its contemporary design.

As recorded elsewhere in the report, the content of the application is complex given its scale and the issues considered. Inevitably in proposals of this nature, a range of matters require further development and consideration. Issues which require further evaluation include method statements relating to mechanical and electrical services, fire prevention, control and means of escape, internal finishes (including the conservation of the outstanding period interiors), details relating to the repair and replacement of windows / doors, and replacement of external render. These are reflected in the recommended conditions of consent.

Consideration of the application was deferred from the Planning Committee of 5th April, 2006 to enable a Committee site visit. It is anticipated that this will have taken place on 3rd May, 2006.

04212

RECOMMENDATION

Subject to the approval of Cadw, Listed Building Consent be GRANTED subject to the following condition(s):

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

Reason:

To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The Local Planning Authority* shall be notified in writing by the developer or his agent of the proposed commencement date of the works hereby granted consent. The notification shall be provided not less than 14 days prior to the commencement of work on site.

Reason:

To ensure that all conditions relating to this consent are discharged appropriately, and to ensure for the preservation of the special character of this building in this respect.

3. This Consent shall relate to the following schedule of drawings and documents.

01A, 02A, 03A, 10A, 12A, 13A
101A, 102A, 103A, 104A, 110A, 111A, 112A, 113A, 114A, 115A, 116A,
117A
201B, 202B, 203B, 211C, 213B, 214C, 216B, 217B, 220B, 221C, 223C,
224A,
250A, 252A, 253A
800B, 801B, 810A, 811A, 812B, 813A, 814A, 815A, 816A, 817A

Conservation Statement for Hensol Castle, Pendoylan (October, 2005)
Addendum to Environmental Statement (October, 2005)

Reason:

In order to confirm the schedule of drawings and documents which form part of this consent.

4. No development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to investigate the impact of the works on the archaeological resource.

Note:

The following conditions shall relate to Hensol Castle, the inner and outer Courtyard Ranges:

5. Prior to the commencement of development, details (to include plans, sections and elevations) to scales 1:1, 1:10, 1:20, 1:50 (as appropriate) of the following elements of new construction shall be submitted to and approved in writing by the Local Planning Authority:
 - (a) The proposed liftshaft, lift and staircase to be provided between rooms G.15, F24, S1/22, including the proposed extension to the roof, and lift pit.
 - (b) The proposed liftshaft, lift and staircase to be provided between rooms G25, G26A, G27 and F37, F38.

- (c) The proposed restoration of the double height space between rooms G09, F17 and F18.
- (d) The restaurant and covered walkway to the inner courtyard.
- (e) The reception building, link, covered walkways and water feature to the outer courtyard.
- (f) The bathroom mezzanines proposed to bedrooms 22 – 25 (outer courtyard).

Thereafter, the proposed new construction shall be carried out in accordance with the approved details.

Reason:

To allow further consideration of these details and their impact on the historic fabric of the building, when more comprehensive information is available.

- 6. Prior to the commencement of development, a schedule of internal/external doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The schedules shall describe:
 - (a) A record of the type and condition of repair to windows and doors to be retained.
 - (b) Proposed new and replacement doors/windows, to include details (1:1, 1:10, 1:20, as appropriate), the method of fixing to the structure and final decoration.
 - (c) A specification describing the repair and decoration of existing units.
 - (d) A specification describing an ironmongery schedule in the case of each scheduled item, including the provision for the recording, retention, maintenance and repair of all historic ironmongery.

Reason:

To ensure that the renovation and repair of these elements is undertaken appropriately in terms of the special interest of the building and, where appropriate, can be replaced with minimal interference to the existing stonework.

- 7. Prior to the commencement of development, method statements to include full details (location/nature of fixed equipment, routing of supply systems) of the following elements relating to:
 - (a) Existing mechanical and electrical installations.
 - (b) The provision of new supply.

shall be submitted to and approved in writing by the Local Planning Authority. The details to be provided shall include:

- (a) Pipework required for hot and cold water distribution and equipment relating to its storage and distribution.
- (b) Electrical circuits for small power and lighting, including cabling, socket outlets and light fittings.
- (c) Equipment and pipework required in connection with sanitary accommodation (bathrooms/W.C.'s).
- (d) Pipework, radiators and plant required for heating emission and control.
- (e) Cabling and outlets in respect of IT, data supply and telephones.
- (f) Means of fire detection, alarm, emergency escape lighting, and other fire protection measures.
- (g) All means of mechanical ventilation, including a supply/extract ductwork and chimneys/flues.
- (h) Foul and rainwater drainage.
- (i) Other control and security systems.
- (j) Lightning protection.

Thereafter, the installation of new services shall be carried out strictly in accordance with the approved details.

Reason:

To allow further consideration of these details and their impact on the historic fabric of the building, when more comprehensive information is available.

8. The Method Statement referred to in connection Condition No. 6 shall include a specification supporting the lifting, storage and re-fixing or renewal of historic floor-boarding, the notching, cutting or drilling of structural timber for the purposes of routing services, and the cutting, chasing and filling of wall/ceiling finishes.

Reason:

To ensure a minimum of intervention in the fabric of the building.

9. Prior to the commencement of development, a photographic inventory of the principal rooms of the Castle shall be submitted to and approved in writing by the Local Planning Authority. The survey shall apply to the following schedule of rooms.

G01 to G12 inclusive and G16 (ground floor).

F01 to F11 inclusive, F11A, F12 – F20 inclusive, F20A, F21, F23 and F25 (first floor).

The inventory shall include each wall, ceiling and floor and shall illustrate an audit of principal architectural features (cornices, picture rails, wall surfaces, dado rails, wainscoting, skirting, windows, window reveals, doors, door cases, door surrounds, cupboards, fireplaces, fire surrounds, grates and mantelpieces).

Reason:

In order to provide a record of period architectural detail to key rooms in the Castle, as a basis for appropriate details of conservation and decoration.

10. Prior to the commencement of development, a method statement describing the conservation and decoration of the interiors of the principal rooms (as defined in Condition No. 8), to include an architectural paint analysis and a schedule of paints, colours and finishes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the conservation of the finishes of these rooms shall be carried out in accordance with the method statement.

Reason:

In order to secure the appropriate conservation of keys rooms of the Castle.

11. Prior to the commencement of development, a schedule of all room finishes, to include ceilings, walls, floors and applied joinery shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the rooms shall be finished in accordance with the approved schedule.

Reason:

To allow further consideration of these details and their impact on the historic fabric of the building, when more comprehensive information is available.

12. Prior to the commencement of development, a specification of the proposed lime render to be applied to the west elevation and courtyard walls shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the render shall be carried out in accordance with the approved specification.

Reason:

In order to ensure the provision of new render of an appropriate technology and finish.

13. A 2m² panel of the render referred to in Condition No. 11 shall be provided on site for the approval of the Local Planning Authority prior to rendering. The agreed panel shall provide a basis for all render so agreed by this Condition.

Reason:

In order to ensure the provision of new render of an appropriate technology and finish.

14. Prior to the commencement of development, details of fire compartmentation, sound and thermal insulation to be provided in floors, walls and roof shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these elements shall be provided in accordance with the approved details.

Note

The following conditions shall relate to the proposed spa extension.

Reason:

To allow further consideration of these details and their impact on the historic fabric of the building, when more comprehensive information is available.

15. Prior to the commencement of development details (to scales of 1:1, 1:10, 1:20 or as appropriate) of the following areas of new construction shall be submitted to and approved in writing by the Local Planning Authority.
 - (a) Roof and roof finishes.
 - (b) External walls, to include copings, stone cladding, string courses, window surrounds and balconies.

Thereafter these elements shall be provided in accordance with the approved details.

Reason:

To obtain further detailed information on the construction of these elements and to ensure their appropriateness in terms of the composition of the extension, and in the context of the listed building.

16. Prior to the commencement of development details of external windows and doors (to scales of 1:1, 1:10, 1:20, as appropriate) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these elements shall be provided in accordance with the approved details.

Reason:

To allow further consideration of these details and their impact on the historic fabric of the building, when more comprehensive information is available.

17. Prior to the commencement of development samples of the proposed roof finish, external wall cladding, copings and string courses shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved samples.

Reason:

To allow further consideration of these details and their impact on the historic fabric of the building, when more comprehensive information is available.

18. Prior to commencement of development, a 6m² panel of facing stonework illustrating the proposed external wall finish shall be constructed and approved in writing by the Local Planning Authority. Thereafter the panel so provided shall provide a standard in terms of the visual appearance of the external ashlar stonework to be constructed to the façades of the building.

Reason:

The successful composition of the spa extension is dependent upon the provision of appropriate ashlar stone facings, and is required to reflect the character of the adjacent Castle. The Local Planning Authority is, therefore, anxious to ensure that the cladding is appropriate in coursing, texture and colour.

NOTE:

1. * **Contact:**

**Nick Lloyd/Richard Cole,
Planning and Transportation Policy,
Directorate of Environmental & Economic Regeneration,
Vale of Glamorgan Council,
Dock Office,
Barry Dock,
Barry.
CF63 4RU**

Tel: 01446 704626/8.

- 2. Attention is drawn to Section 8(2) (b) (c) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition may not be undertaken (despite the terms of the consent granted by the Local Planning Authority) until notice of the proposal has been given to the Royal Commission on Ancient Monuments in Wales, Crown Buildings, Plas Crug, Aberystwyth, Dyfed, and the Commission subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it. A form on which to notify the Royal Commission (Form RCHW(W)1) is enclosed with this notice.**

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.

J H Leeke & Sons Ltd, Mwyndy Business Park, , Pontyclun, , CF72 8PN.
RPS, Park House, Greyfriars Road, Cardiff, CF10 3AF

Hensol Castle, Pendoylan, Cowbridge

Conversion of 6 ward blocks and concert hall to residential use

SITE DESCRIPTION

Hensol Castle is a substantial stone mansion situated in rolling countryside on the western side of the Ely Valley. The Castle is built within a former historic park orientated north-east to south-west, the centre point of which is occupied by a large lake impounded by an earthen dam at its north-eastern end.

In 1927, the land became a hospital and a series of hospital buildings of several periods, including the ward blocks and concert hall subject of this application were developed in a number of locations in the former park. Most notably, the ward blocks were planned in a formal oval layout centred on the large concert hall. The layout is planned on the same axis as the Castle, the two being linked by an avenue lined with mature copper beech and beech trees.

The site also contains modern hospital system buildings which have damaged the setting of the wards. These are to be demolished as part of the wider proposals for the Hensol site.

DESCRIPTION OF DEVELOPMENT

The proposals which require consent involve the conversion of six of nine of the former ward blocks ('B' ward, 'C' ward, Llynfi, Elai, Clun and Gwynfi) to residential use. The proposals involve external repair, the provision of extensions, and internal alterations in layout.

PLANNING HISTORY

05/00087/FUL – Comprehensive mixed use development of the site. Not determined. This comprises the planning application relating to the Castle, ward blocks, time share housing, staff accommodation and other components of the site also under consideration at Planning Committee.

05/00088/LBC – Conversion of a Grade I listed Castle and associated service courtyards to a spa hotel, and construction of additional services accommodation for the spa hotel by the addition of an extension. Not determined. This application is also under consideration at Planning Committee.

There are no other applications of direct relevance to the ward blocks subject of this application.

CONSULTATIONS

Pendoylan Community Council – No comments received.

'Six Statutory Bodies':

The Society for the Protection of Ancient Buildings. No objections.

No comments were received from the other statutory bodies regarding the ward blocks.

REPRESENTATIONS

None.

REPORT

This application considers the conversion and extension of six of the former southern ward blocks and concert hall to residential use. The proposals are considered to require listed building consent in that, under Section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 the buildings (although not on the statutory list) have lain within the 'curtilage' of the Castle (the 'principal building') since June, 1948. Three other ward blocks ('G', 'H' and Cymmer) were constructed later (between 1964 – 75) and do not fall within the same interpretation.

In this regard, it should be noted that the southern ward blocks exhibit a strong, formal relationship to the Castle in terms of layout and visual context. This explains the requirements of listed building consent for proposals to these particular buildings in distinction to other, pre-1948 structures on the site.

Also under consideration at Planning Committee are two major applications for the site, 05/00087/FUL and 05/00088/LBC. The former considers the redevelopment and reuse of the former hospital complex, whilst the latter seeks consent for the conversion and extension of the former Castle to a spa hotel.

As Hensol Castle comprises a grade I listed building, under Section 13 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, the Council is not empowered to grant approval without notification to the National Assembly for Wales. The Assembly is allowed a period of 28 days during which it may direct that the application be referred to it under Section 12 of the Act, or give notice to the Council that further time is required in which to consider the application.

The planning background relating to the application should be read in conjunction with the report on 05/00088/LBC, which describes the preparation and adoption of a Development Brief which provides a planning framework and policy context for the Castle, associated buildings and historic parkland.

The application is accompanied by extensive supporting information relating to each building and includes a comprehensive set of plans and a method statement supporting the proposed repair works to the external envelope. With regard to the six ward blocks there are consistent issues relating to their architectural form and to their proposed conversion. For this reason, the report considers the ward blocks and former concert hall under separate headings.

(a) The Ward Blocks

These were constructed between 1930 and 1935. They consist of two storey buildings, of an E-shaped plan comprising two wings, a linking arm and a central, two storey block contained within the wings. With a consistent architectural theme in terms of composition, materials and detail the wards exhibit a high standard of specification, being constructed in coursed pennant sandstone with bathstone dressings, boarded, slated roofs and stone stacks. The windows are painted timber sashes, in several cases (Clun and Elai) with original multi-paning and thick glazing bars. In other cases the timber sashes had their glazing bars removed.

Wards 'C', 'B', 'Llynfi' and 'Elai' are of the same plan, elevation and internal layout, in distinction to 'Gwynfi' and 'Clun', which have a wider frontage and different internal layout. Internally, each block contains open wards, and a range of rooms designed to accommodate smaller ward areas, ancillary accommodation for staff, service rooms, bathrooms and w.c.'s. Each unit contains a staircase providing circulation between floors at the end of each wing. There is, however, little of architectural or historic interest to the interiors, which are austere and functional in character.

The condition of the buildings varies greatly, with a wide range of inappropriate institutional alterations, including the infilling of former doorways, inappropriate window/door repair and reinstatement, and the use of inappropriate materials (e.g. to rainwater goods). In the case of the 'C' and 'Gwynfi' wards, there are modern, rendered two storey additions at the rear.

In terms of proposals, it is envisaged that each ward block is converted into six apartments, three on each floor. This will involve substantial alteration in internal layout and demolition of existing partitions. However, the opportunity has been taken to reuse existing arched external doorways as an entrance detail, and to respect the layout of existing external openings.

It is also proposed to extend the units, by the provision of single and two storey conservatories on the front elevation, and by the infilling of the building envelope at the rear. There are balconies proposed over the single storey conservatories. Access to these is enabled by the removal of existing sash windows and the enlargement of openings. The conservatories and infill extensions are formed in aluminium framed and glazed external walls, designed to be transparent and contemporary additions to the original buildings.

The proposals are accompanied by a wide ranging statement of repair which describes the reinstatement of detail to the external fabric of the building including roofing, eaves, gutters and downpipes, wall surfaces and openings, windows and external doors. These are well conceived, with a strong commitment to reinstatement of original detailing based on existing on-site evidence.

(b) The Former Concert Hall

The central concert hall is strategically positioned on the north-south axis of the Castle and is the focal point in layout for the surrounding ward blocks. The existing design, in 'arts and crafts' style, is well considered. The building is less austere and 'institutional' in character in comparison to the ward blocks.

The building comprises a large hall with balcony and stage at its northern and southern ends respectively. A kitchen, bar and storage rooms are contained below the balcony, with further accommodation contained in single storey pavilions located on either side of the stage at the rear. The roof over the stage has twin projecting roofs, with gables.

The steeply pitched, slated roof contains a line of lead clad, flat roofed dormer windows to the long, east and west elevations. There is a prominent, centrally positioned vent with weathervane. The facades are constructed in pennant stone brought to course, with reconstituted stone dressings.

A significant element of the external character of the building is provided by the multi-paned 'Crittall' type steel windows. There are external, panelled doors, and a small central flight of steps to the central, northern end, although this is not retained as the main access to the building.

It is proposed to reuse the building by conversion to five units, three to the ground floor plan, two to the upper floor. The layout has been well conceived, by the retention of four of the centremost internal bays, so that the architectural character of the full height void has been retained in a foyer area, providing a central access to the flats. Layout planning to the existing openings is also reasonably well conceived.

At the rear, southern end of the building, it is proposed to construct a single storey conservatory contained in part between the two pavilion wings, with a balcony over. These are designed in the contemporary style of the conservatories proposed to the ward blocks, in aluminium framed glazing. Access to the balcony is obtained by two new openings formed at first floor level, and contains a modern glass balustrade.

Conclusions

The buildings subject of the application are considered to be listed as buildings of architectural/historic importance as they lie within the 'curtilage' of Hensol Castle, were constructed prior to 1948 and have a strong physical and visual relationship with it in terms of layout. They comprise good quality ward blocks and a concert hall, constructed between 1930 and 1935 in a formal, oval layout centering on the 'arts and crafts' inspired concert hall, the latter a building of some architectural merit. They are consistently constructed to a high standard, in pennant stone with dressings, and have pitched, slated roofs.

Within the area there are three former ward blocks of later construction. These are not of the same quality in terms of design and finish, being rendered and are not subject of the application.

The proposals involve the conversion and repair of each building to provide residential accommodation. Six flats are proposed in each ward block and five in the concert hall.

The alterations to the ward blocks involve the addition of modern conservatories and balconies. These will have a significant impact on one principal elevation of the building. However, in the design of the refurbishment, it is agreed with the applicant's submission that these are justified and required; in terms of character and function the ward blocks are austere and inward looking. The addition of modern conservatories in a lightweight, transparent design will express the original form of the buildings, improve aspect from them in a parkland setting and reduce their institutional image.

There is little of architectural merit to the interiors of the wards. As such, there are no objections to the substantial re-ordering of layout proposed. In each case, opportunities have been taken to reinstate original side entrances, and this is welcomed.

The application is supported by a well conceived schedule of repairs which seeks to reinstate and reinforce much of the external detail, including the sash windows. The removal of all damage incurred to the external fabric during the years of institutional management is a further positive measure.

The concert hall is a building of some architectural merit and interest. It is surprising that this was not in itself considered suitable for inclusion on the statutory list of buildings of architectural and historic interest. It forms a centre-point of the ward layout, with an importance reflected in its design.

The proposals to convert it include the retention of four internal bays, so that the original full height space is retained over half its area. The conversion proposals are considered acceptable in terms of layout and response to the building. However, the application requires further information regarding detail, in particular regarding the replacement of the steel windows, and this is reflected in the recommended conditions of consent.

Consideration of the application was deferred from the Planning Committee meeting of 5th April, 2006 to enable a site visit to be undertaken. A site visit is anticipated to have been undertaken on 3rd May, 2006.

04256

RECOMMENDATION

Subject to the approval of Cadw, Listed Building Consent be GRANTED subject to the following condition(s):

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

Reason:

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

2. The Local Planning Authority* shall be notified in writing by the developer or his agent of the proposed commencement date of the works hereby granted consent. The notification shall be provided not less than fourteen days prior to the commencement of works on site.

Reason:

To ensure that all conditions relating to this consent are discharged appropriately, and to ensure for the preservation of the special interest of the building in this respect.

3. The consent shall relate to the following schedule of drawings and documents: JCC 3304:03; JWR 1030:20E; G1986(05) S:001, 002A, 003A; G1986(05) SW:002A, 003, 004, 005, 006, 008, 013A, 014A, 015A, 016A, 017A, 018A, 019A, 020A, 021A, 022A, 023A, 024A, 025A, 026A, 027A, 031A, 032A, 033A, 037A, 038; G1986(05)CH: 001, 002, 003A, 004, 005, 006, 007, 008; 04/441(WB):01, 02, 03, 04;

Method Statement for the proposed repair works to the external envelope of the nine ward blocks and concert hall (Alwyn Jones, Architects, July, 2005).

Reason:

In order to confirm the schedule of drawings and documents which form part of this consent.

4. Prior to the commencement of development full elevational and sectional details (to scales 1:1, 1:5, 1:10, 1:20, as appropriate), of the proposed openings to external walls required to gain access to the conservatories and balconies, to include details of dressing of the openings, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To allow further consideration of these details and their impact on the historic buildings, when more information is available.

5. Prior to the commencement of development, samples of the proposed roofing slate and ridge tiles shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to ensure the provision of roofing finishes which are appropriate to the special architectural/historic interest of the building.

6. Vapour permeable felt shall be provided in the construction of roof finishes, and no ventilators shall be provided in slope.

Reason:

In order to avoid the provision of visible in-slope roof ventilation.

7. Prior to the commencement of development, details of all venting, flues and terminals required in connection with internal heating, hot water supply and ventilation shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to consider the impact of these details on the character of the historic building.

8. To the ward blocks, the top light of the proposed sash windows shall be adjustable and provided with lockable ironmongery to secure the window for ventilation purposes. The windows shall not be provided with trickle ventilators.

Reason:

To retain traditional window detailing, and to secure ventilation.

9. Prior to the commencement of development, details of external doors to the ward blocks (to scale of 1:1, 1:5, 1:10, 1:20, as appropriate) shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the provision of traditional panelled door, frame and overlight details.

10. Prior to the commencement of development, a full schedule, including details (to scales 1:1, 1:5, 1:10, 1:20, as appropriate), of all external windows and doors to be provided in accordance with the proposed refurbishment of the concert hall, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To consider the form of replacement doors and windows to the concert hall when this information is made available, and to ensure such details are compatible with the special interest of the building.

11. Prior to the commencement of development, within the communal entrance hall of the concert hall, details of internal finishes to floors, walls, ceilings, balconies, balcony balustrades and staircases shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To allow further consideration of these details and their impact on the historic fabric of the building, when more comprehensive information is available.

12. All works shall be undertaken in accordance with the details and samples approved under Condition Nos. 4, 5, 6, 7, 8, 9, 10, 11 without variation.

Reason:

To ensure that the special interest of the building is not compromised.

NOTE:

1. *Contact

**Nick Lloyd/Richard Cole
Planning and Transportation Policy,
The Director of Environmental and Economic Regeneration,
Vale of Glamorgan Council,
Dock Office,
Barry Dock,
Barry.
CF63 4RU**

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.

Fitz Project Management, Coftons UK Ltd., , C/o William Sturgess & Co., ,
Alliance House, 12, Caxton St., London. SW1H 0QY
Fitz and Company, The Bonded Warehouse, Atlantic Wharf, Cardiff. , CF10 4HF ,
,

former Open Cast Site, Llanilid

Proposed highway interchange and associated works on M4 motorway for
proposed film studios and associated development

The application was advertised on 13th September, 2005.

SITE DESCRIPTION

The application relates to an area of land situated on the northern limits of the Authority's administrative boundaries. The site adjoins and incorporates part of the M4 motorway (and land to the north within Rhondda Cynon Taff County Borough Council's area). The land in general is agricultural with a sloping motorway embankment.

DESCRIPTION OF DEVELOPMENT

The scheme seeks to amend the design of the motorway interchange previously approved by altering the engineering design of the interchange. The interchange will, however still fall within the general area covered by the consent (outline) previously approved.

The scheme entails part of a new interchange to access land to the north of the motorway being land within RCTCBC's area and granted consent by that Authority for film studios and associated development.

PLANNING HISTORY

Planning consent was granted in outline for the construction of part of a motorway interchange within the Vale of Glamorgan's administrative area. The consent was granted following consideration of the details, including the accompanying Environmental Impact Assessment and all other related documents (application reference 01/01278/FUL). This application formed part of a larger scheme lying wholly within RCTCBC's administrative area and relating to film studios, office, housing and leisure development which they approved, subject to a S106 Legal Agreement which requires Road Traffic Order contributions within the Vale.

Application 04/01266/RES – Reserved matters for the above currently undetermined and which the agents have verbally advised is to be withdrawn.

CONSULTATIONS

Minerals Officer – See Appendix 'A', i.e. the site lies partially within the sand and gravel resources protected from all forms of permanent development.

The Head of Economic Development – Economic Development are fully supportive, see Appendix 'B'.

The Head of Visible Services (Highway Development) – No comments received.

Dwr Cymru/Welsh Water – See Appendix 'C' but have no objections in principle and recommend conditions.

Glamorgan Badger Group – See Appendix 'D'.

The Head of Visible Services (Engineering Design) – See Appendix 'E'.

Glamorgan Gwent Archaeological Trust – Appendix 'F' requiring an archaeological work programme.

The Director of Legal and Regulatory Services (Environmental Health – Pollution) – No adverse comments.

Environment Agency Wales – See Appendix 'G'.

Welsh Assembly Government - Planning Division. See Appendix 'H' indicating the development is, in their opinion, considered to have very limited impact on the minerals resources in that area.

Welsh Assembly Government : Road Works Management Division – See Appendix 'I'.

Penllyn Community Council – See Appendix 'J'.

Glamorgan Wildlife Trust, RCT, CBC, Countryside Council for Wales, Footpaths were all consulted but no comments have been received.

REPRESENTATIONS

Representations have been received from the occupier of Hillside Farmhouse, Ton Breigan, near Llanharry, see Appendix 'K'.

REPORT

The application has been considered taking into account all the environmental impacts identified with the original consent, reference 01/01278/OUT and having regard to the details, and likely impacts of the now amended scheme.

The area of the site and associated land-take remain essentially the same as that granted consent in outline previously. This is an application for full planning consent.

Issues of the impacts on ecology have been considered and, as identified in the earlier consent, a condition regarding ecological survey work is required.

In relation to visual, noise and traffic impacts it is considered that the development's effects will remain as generally considered in the earlier scheme.

Having regard to the Development Plan, the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and all relevant national and local guidance and to all other material planning considerations, it is considered that there are no grounds for the Local Planning Authority to object to the scheme.

In commenting on the above, it is noted that MIN(3) of the adopted Unitary Development Plan falls partially within the site. This allocation was requested by WAG and thus their comments were sought. In their opinion the development has a very limited impact on the resource with limited effect on future extraction. Having considered the above, the Local Planning Authority is of the opinion that to refuse the scheme on the grounds of mineral effects would not be sustainable.

04312

RECOMMENDATION

Subject to the applicants first entering into a Section 106 Legal Agreement to:

- (i). Provide Road Traffic Orders in the vicinity of the site.

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.

Reason:

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

2. No development shall commence unless and until an agreement has been entered into with the National Assembly for Wales for the carrying out of the highway works referred to in this consent.

Reason:

To ensure the free flow and safety of traffic on the M4 motorway.

3. Prior to the commencement of development details of the proposed scheme of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and the scheme of surface water drainage shall be fully completed prior to the development hereby approved being brought into beneficial use.

Reason:

To ensure a satisfactory form of drainage to prevent flooding.

4. 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 by the Local Planning Authority prior to their erection on site and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

To safeguard local visual amenities.

5. No development shall take place within the site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In order that the archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied.

6. Prior to the commencement of development full details of the proposed construction programme for the development, including full details of the access routes to be used by construction traffic, the location of the construction compound, hours of working and proposals for noise control and mitigation during construction works, shall be submitted to and approved in writing by the Local Planning Authority and the construction works shall thereafter be undertaken in strict accordance with the approved scheme.

Reason:

In the interests of the amenities of users and in the interests of highway safety.

7. Prior to the commencement of development, full details of the proposed measures for dust suppression and wheel washing facilities and associated drainage facilities of the site shall be submitted to and approved in writing by the Local Planning Authority and the approved facilities and measures shall thereafter be implemented on site prior to the commencement of works on site and shall thereafter be so retained for the duration of the works.

Reason:

To prevent dust in the interest of the amenities of users of the adjoining area and in the interests of highway safety.

8. A comprehensive scheme for the re-use of all soils and excavated materials on site shall be submitted to the Local Planning Authority and approved by them in writing prior to the commencement of construction. This scheme shall seek to retain all soils and excavated material within the site, and also to minimise transport distances within the site, with materials being used as close to its source as possible.

Reason:

To protect and enhance the natural habitat of the site and to minimise traffic movements on the adjacent highway system.

9. No work shall commence for the culverting, infilling or replacement of any ditches and watercourses within the site until a scheme of such works has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason:

To ensure that land drainage capacity and important land drainage features are replaced in the interest of efficient land drainage and flood prevention.

10. The development shall not commence until a scheme for the recording of background noise levels (to establish a baseline for the purpose of monitoring noise levels emitted by the proposed development) has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall provide details of the recording procedure and monitoring points and shall include overall 'A' weighted noise levels, together with background 1/3 octave frequency spectra.

Reason:

To ensure that an agreed baseline is established for the purpose of monitoring noise output of the development, in the interests of protecting the amenities of residents who live near the development.

11. Development shall not commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall have regard to British Standard 5228 and be fully implemented in accordance with the approved details and shall include:

- details of plant and equipment;
- methods and types of ground compaction;
- lighting of site access points and routes for construction vehicles.

Reason:

To ensure that the amenities of residents near to the site are not unduly disturbed during the carrying out of the development.

12. No development shall commence on site until details and acoustic specifications of any required noise bunds and barriers are submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented fully in accordance with the details as approved prior to the first beneficial use of the development hereby approved.

Reason:

In the interests of residential amenity.

13. No development shall commence until a report, together with any necessary mitigation measures, prepared in accordance with the Calculation of Road Traffic Noise Memorandum 1988, in order to predict noise levels arising from the development at the nearest residential facade has been submitted to and approved in writing by the Local Planning Authority, and the development shall then be implemented fully in accordance with the details as approved.

Reason:

In the interests of residential amenity.

14. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank/storage body plus an additional 10 percent of that capacity. Filling points, vents, gauges and sight glasses shall be located within the bund and the drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. Filling points and tank overflow pipe outlets shall be designed so as to discharge downwards into the bund.

Reason:

To prevent pollution.

15. External illumination shall be installed in full accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter no alteration or addition shall be made to the lighting apparatus or to the direction or intensity of illumination unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure satisfactory provision of lighting throughout the site in a manner which does not prejudice highway safety or residential amenity.

16. No development approved by this permission shall be commenced until a detailed Method Statement describing the works to be undertaken and details of any necessary pollution prevention measures during the construction phase are submitted, agreed and implemented as approved by the Local Planning Authority.

Reason:

To prevent pollution of the water environment.

17. Prior to any development commencing, details shall be submitted to and agreed in writing by the Local Planning Authority of the mitigation measures for protected species and the timescale/periods for their implementation and the measures as approved shall be fully implemented as detailed in the scheme.

Reason:

In the interests of ecology and nature conservation importance of the site.

18. 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.

Reason:

To ensure satisfactory maintenance of the landscaped area.

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.**
2. **The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**
3. **Your attention is drawn to the contents of the letter dated 2nd September, 2005 from the Welsh Assembly Government.**
4. **You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.**

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.

Methodist Church Barry Circuit, C/o Agent.
Liddell & Associates, Stuart House, The Back, Chepstow, Monmouthshire. , NP16
5HH , ,

St. Athan Methodist Church, Gileston Road, St. Athan

New houses with associated works

SITE DESCRIPTION

The site relates to a building and associated curtilage of a church situated on the junction of the road to St. Athan with the Llantwit Major Road (B4265).

The site measures approximately 67m x 115m and is roughly triangular. There are trees within the site predominantly to the western corner and the site is enclosed by native species hedgerow or palisade fencing of recent construction. To the north of the site there is a garage/car showroom and residential development.

DESCRIPTION OF DEVELOPMENT

The application seeks full planning consent to erect 14 No. dwellings in a mix of terrace, semi-detached and 4 No. detached dwellings. The dwellings will be accessed off the St. Athan Village Road with a pedestrian footpath link through the site from the Berkrolles Avenue residential area to the St. Athan Village Road. The design is for two storey properties with roofs of grey blue slate and walls of buff brickwork. The dwellings will comprise 3 and 4 bedroom units. 28 parking spaces are shown to serve the development. The Church building will be demolished.

PLANNING HISTORY

None.

CONSULTATIONS

St. Athan Community Council – “My Council oppose this application on the following grounds:

- (a) The proposed development is contrary to the Vale of Glamorgan Council Urban Development Plan, and is also outside the village envelope.
- (b) The proposed access to the site on Gileston Road is too close to a very busy and dangerous cross roads (Gileston X), it is also on a bus stop.
“(Sic).”

Environment Agency Wales – Standard Advice applies.

Dwr Cymru/Welsh Water – See Appendix A.

The Head of Visible Services Highway Development – See Appendix B and B1.

Comments in respect of amended scheme awaited.

Community Services : Housing – Comments awaited.

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

Glamorgan Gwent Archaeological Trust – Have no objection to the determination of the application.

Council's Ecologist – See Appendix C.

REPRESENTATIONS

The application has been advertised on site and in the press twice and most recently on 21st March, 2006. Neighbour notification letters have also been sent. No representations have been received to date.

REPORT

The site lies outside but immediately adjoining the residential settlement boundary for St. Athan as defined in the Vale of Glamorgan adopted Unitary Development Plan 1996 – 2011.

In considering this application, regard should be paid to local and national planning guidance including that contained in the Unitary Development Plan Policies.

The relevant policy framework in the Unitary Development Plan is:

- | | |
|--------|---|
| ENV1 | Development in the countryside – whereby development is controlled to generally allow agricultural development, appropriate recreational use, conversions or development allowed for under other policies in the plan. |
| HOUS12 | Affordable housing whereby the Local Planning Authority will seek, where there is a demonstrable need to negotiate with Developers the inclusion of a reasonable element of affordable housing. |
| HOUS13 | Exception sites for Affordable Housing in the Rural Vale whereby where there is an identified local need, the development of a limited number of additional sites will be permitted if all the criteria of that policy are met, including that the site is within or adjoining an existing settlement boundary, the site is commensurate in scale, design and location with identified need and that clear and adequate arrangements are made to secure the benefits of this form of housing for initial and subsequent owners. |
| ENV27 | Design of new developments to ensure a high standard of design. |

The application as originally submitted, related to 4 No. dwellings only on the land and situated towards the northern boundary. Following discussion with the Housing Section, it was considered that the site could provide a degree of affordable housing in an area of identified need. Policy HOUS13 was therefore

considered of relevance to the site.

The matter was discussed with the applicants' Architects and they have fully embraced the idea that all of the dwellings now sought should be affordable units. They have been in discussion with a Housing Association in this respect.

The site, whilst lying outside the defined settlement boundary, immediately adjoins it. The boundaries of the site are clearly defined by the Gileston and Llantwit roads which bound it and whilst the site is visible from these public highways, it is seen very much in the context of the existing commercial and residential development to the north and west rather than the rural land/Heritage Coast to the east and south respectively.

It is noted that the objectives of Planning Policy Wales 2002 state they are to provide:

- “homes that are in good condition, in safe neighbourhoods and sustainable communities; and
- greater choice for people over the type of housing and the location they live in, recognising the needs of all, including those in need of affordable or special needs housing in both urban and rural areas.” (paragraph 9.1).

The objectives refer to sustainable environments with mixed tenure communities, easily accessible to public transport and to employment and services.

A community's need for affordable housing is a material consideration and in paragraph 9.2.19 Planning Policy Wales states:

“The special provision of rural exception sites may be considered to help ensure the viability of the local community..... Policies should make clear that the release of small housing sites, within or adjoining existing villages, for the provision of affordable housing to meet local needs, which would not otherwise be allocated in the Unitary Development Plan, is an exception to the policies for general housing provision and must be fully justified, setting out the type of need and the kind of development falling within the terms of the policy. Sites must meet all the other criteria against which a housing development would be judged.”

It is considered that subject to the development being assured as affordable units, the rural exceptions policy clearly applies.

The scheme provides sufficient parking for the form of development and acceptable access from the Gileston Road, subject to conditions regarding protecting vision splays. The amenity space afforded to the dwellings is acceptable with several of the plots having significantly more than the requirement of the Council's adopted Supplementary Planning Guidance “Amenity Standards”.

There is scope for additional planting, with emphasis on the southern boundary of the site. Existing mature trees located in the western end of the site are shown as being retained and the comments of the Council's Ecologist are noted.

Having regard to the nature of the residential accommodation to be provided and the acceptability of the density, scale and design of the scheme as a whole, the following recommendations are made.

RECOMMENDATION

Subject to the applicants first entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to ensure that the approved dwellings shall be affordable social housing, the application be approved subject to the following conditions.

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.

Reason:

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

2. The permission hereby granted shall relate to the amended plans, reference 1727/21, 22, 23 and 24 received by the Local Planning Authority on 9th March, 2006.

Reason:

For the avoidance of doubt.

3. Prior to the commencement of any works for the construction of the dwellings hereby approved, a scheme showing the landscaping of the site, all trees and hedgerows to be retained and measures for their protection for the duration of the works on site, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the visual amenities of the area are safeguarded.

4. The scheme of tree and hedgerow protection as agreed under Condition No. 3 above shall be fully implemented on site prior to any works in connection with the development hereby approved, other than the demolition of the existing church, taking place and shall be so retained on site for the duration of the works for the development hereby approved.

Reason:

To ensure that the visual amenities of the area are safeguarded.

5. The access, footpaths and car parking layout as detailed on Drawing No. 1727/24, shall be fully laid out on site prior to the first beneficial occupation of any unit hereby approved unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure acceptable vehicular and pedestrian access and parking is provided to serve the development in the interests of highway and pedestrian safety.

6. Details of the materials and colour of the external finishes of the proposed dwellings shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

Reason:

To safeguard local visual amenities.

7. 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.

Reason:

To safeguard the local visual amenities.

8. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order, no development permitted under Schedule 2, Part 1 Class E of that Order shall be undertaken without the prior consent of the Local Planning Authority.

Reason:

To ensure that the visual amenities of the area are safeguarded.

9. Prior to the first beneficial occupation of the development hereby approved, details of bin store provision shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented prior to the first beneficial occupation of the development hereby approved.

Reason:

To ensure the provision of acceptable refuse storage on site.

10. No part of the site shall be occupied until such time as a replacement Bus Stop for that existing outside the site has been provided.

Reason:

To ensure that the Bus Stop is provided to facilitate safe access to public transport.

NOTE:

- 1. The Developer's attention is drawn to the Wildlife and Countryside Act (1981) (as amended) Habitats Directive (EC Directive 92/43/EC) in relation to protected species and their habitats. It is an offence to intentionally or recklessly damage, destroy or obstruct access to any habitat of protected species including bats and their roosts and nesting birds. For further advice you may wish to contact the Countryside Council for Wales on (02920) 772400.**

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.

Crematoria Management Ltd., Weavers House, Gardens Road, levedon, Bristol. ,
BS21 7QQ
RPSPark House, Greyfriars Road, Cardiff. CF10 3AF

Field 0069, junction of A48/Coedarhydaglyn, St. Nicholas

Proposed crematorium, cemetery, car parking, gardens and remembrance book chapel

SITE DESCRIPTION

The application site is located on the north side of the A48 and on the east side of the junction of St. Georges Lane with the A48. The site lies approximately mid-way between Culverhouse Cross to the east and the village of St. Nicholas to the west.

The site area is approximately 4.9 hectares (12.1 acre). The site rises in level fairly gently from the A48 frontage towards the north where there is a large belt of trees adjacent to the walled garden at Old Coedarhydyglyn, and is generally used as pasture.

DESCRIPTION OF DEVELOPMENT

This is a full application for the use of the site as a crematorium together with a small cemetery area. The crematorium building will be centrally located within the site and the submitted details indicate that the building will be approximately 40m in length with a maximum width of 18.5m, but narrowing to 12m for the proposed chapel area. The maximum ridge height of the single-storey building is 7.3m, but the stack to the cremator part of the building is 10m in height. Walls would be finished in a self-colour render (off-white) with a re-constituted blue-black slate to the roof.

The vehicular access to the site would be located off St. Georges Lane, approximately 50m from the A48 junction. A one-way circulatory road system would be utilised within the site and a main car parking area with 41 spaces (and an overflow area with 20 spaces) would be provided on the south side of the proposed main building. As well as the small cemetery on the east side of the site there would also be a memorial area with memorial trees with new footpaths being provided within this landscaped setting. The existing woodland trees on the northern edge of the site would be retained.

As well as the detailed plans of the proposed development, the applicants' agents have submitted a supporting planning statement, an agricultural appraisal of the site and also a landscape and visual report. All this documentation is retained on file for the inspection of Members.,

PLANNING HISTORY

There is no planning history to the application site itself. However, of some relevance to the consideration of this case are two relatively recent planning applications for crematorium proposals in the Wenvoe area.

Application reference 02/01733/FUL for a crematorium on land at the junction of Caerau Lane and Quarry Road, Wenvoe, was refused by the Council on 5th June, 2003 for the following reasons:

1. The application site is located within an area of green wedge where it is the policy of the Local Planning Authority to protect vulnerable undeveloped land from development. This proposal, by virtue of built development, car parking areas, new access proposals and traffic generated would cause harm to the rural character and appearance of the area and is therefore considered to run contrary to Policy ENV3 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998 and also to advice contained within paragraph 2.6 of Planning Policy Wales (March 2002).
2. The proposal would result in the loss of 5.33 hectares of Grade 3A (and above) agricultural land which is considered to represent the best and most versatile land quality. Accordingly, the proposal would be contrary to Policy EV2 of the South Glamorgan Structure Plan (Proposals for Alterations No. 1) 1989 and also to Policies 14 and ENV2 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998 and also to advice contained within paragraph 2.8.1 of Planning Policy Wales (March 2002).

This decision proceeded to appeal and a public inquiry was held on 18th and 19th May, 2004. The appeal was dismissed on 10th June, 2004 and a copy of the inspector's decision letter is attached at Appendix A to this report.

The other application (reference 03/00301/OUT) was submitted for an adjoining site at Caerau Lane and Port Road, Wenvoe and this application was refused on 5th June, 2003 for similar reasons to those for 02/01733/FUL. However, this refusal did not proceed to appeal.

CONSULTATIONS

The comments of St. Georges and St. Brides-super-Ely Community Council (the relevant Community Council for this area) are attached as Appendix B to the report, objecting to the proposal.

St. Nicholas and Bonvilston Community Council, the adjoining Community Council has also objected to the proposal (see Appendix C).

Llancarfan Community Council has objected to the proposal, and their comments are attached at Appendix D.

Environment Agency – Comments attached at Appendix E.

Glamorgan Gwent Archaeological Trust – Comments attached at Appendix F.

CADW has been consulted because the site is designated as part of the Essential Setting of the historic park of Coedrhdyglyn. Their letter objecting to this proposal is attached at Appendix G.

Welsh Assembly Government (Regional Planning Adviser in the Technical Services Division of the Department for Environment, Planning and Countryside) has commented, particularly in relation to the Agricultural Appraisal submitted by the applicant company. This consultation response is attached at Appendix H.

Head of Visible Services (Highway Development) – “Further to the site inspection carried out in relation to the above application, I would comment as follows:

The proposed widening of the lane providing access to the crematorium from the A48 is required to be increased to 6.1m to allow two large vehicles to pass side by side. Warning signs are required to be provided where the lane narrows back to its original width, north of the access to the site.

From speed surveys undertaken outside the development site, the 85th percentile speed has been recorded in the region of 30.0 mph. Therefore, the visibility splays from the access to the site are required to be provided at 4.5m x 70.0m in accordance with Technical Advice Note 18 (TAN 18). All land within the vision splays to the proposed site access will be required to be offered to the Highway Authority for adoption under Section 38 of the Highways Act 1981.

Visibility from the minor road, linking to St. Georges at the junction of the A48 is required to be provided at 9.0m x 215m to the east, towards Cardiff along the A48. The land within the vision splay will be required to be offered to the Highway Authority for adoption under Section 38 of the Highways Act 1981.

An assessment of the required parking provision has been undertaken based on a comparison of existing crematoriums located in areas of similar population and size to the Vale of Glamorgan. From the assessment it is considered that the required level of parking required to be provided at the development site is 150 spaces plus the provision of 50 overspill parking spaces.”

Head of Visible Services (Engineering Projects) – “Land Drainage – I have no comments to make as I am not aware of any watercourses or land drains crossing the site, or of any land drainage problems in this area. Surface Water Drainage – I note that surface water from the proposed development is to discharge to soakaways. It is recommended that you seek the advice of the Building Control Section on the suitability of the use of soakaways on this site. Foul Drainage – It is noted that foul drainage is to discharge to septic tanks. We do not usually comment on the use of these, normally the EA and/or Building Control comment on this, however, I am aware that developers and LPA have to give due consideration to Welsh Office Circular 10/99 – Planning requirements in respect of the use of non-mains sewerage incorporating Septic Tanks in new development.”

Council’s Ecology Officer – Comments attached at Appendix I to the report.

Dwr Cymru/Welsh Water – Comments awaited.

The Director of Legal and Regulatory Services (Environmental Health - Pollution Section) – “The proposed crematorium will fall under the remit of Integrated, Pollution, Prevention and Control (IPPC). Therefore, will require a Permit under the Pollution, Prevention and Control Regulations 1990, and cannot operate until this has been issued.

It is advised that the applicant(s) get in contact with this department to discuss this

issue and to provide all relevant information.”

The Head of Economic Development and Leisure (Landscape Section) – “Having reviewed the landscape proposals submitted for the above development in conjunction with the supporting Landscape Visual Assessment, I conclude that the essence of the site’s landscape character lies within the punctuated views afforded across the site to the wider countryside and the backdrop of the wooded ridgeline. Therefore, whilst I appreciate the intention of the proposed structure planting, I feel that such an extensive level of landscaping intervention is inappropriate on this site and would in fact detract from rather than enhance its character.

In addition, with regard to the species of planting proposed, I note that a reference is made to ‘native planting’ reinforcing the existing vegetation, however there appears to be no further details provided. I am mindful that, particularly in the area of the proposed memorial trees, appropriate species selection is essential. If the trees in this area are to be planted progressively and definitive details of planting cannot be provided at this stage at the very least guidelines of permissible species should be provided.”

Cardiff County Council has been consulted given the relative proximity of the site to the administrative boundary of Cardiff to the east. The following comments have been received.

“I refer to the above and would advise you that Cardiff County Council has no objection subject to:

1. The submission of detailed information regarding cremators, including the equipment proposed, air emissions and environmental impact.
2. That the number of cremations be limited to 750 per annum of full details of mercury abatement equipment be submitted for consideration.

This Council would request that it be re-consulted following the receipt of the above information and provided with the opportunity to formally comment on the details.

Recommendation 2: That the detailed comments of Parks Services and Pollution Control be forwarded to the Vale of Glamorgan Council for consideration. (Please see attached copies.)”

The Council’s Landscape Section – Comments attached at Appendix J.

REPRESENTATIONS

A site notice was posted on 23rd November, 2005 at the front corner of the site near the junction with Caia Lane and the A48 main road fronting the site. In addition, several of the residents nearest to the site (mainly along St. Georges Lane) were also directly notified by letter on 25th November, 2005.

A very large amount of correspondence has been generated by this proposal (both for and against the development) and the following section of the report will endeavour to summarise the representations which have been received.

At the time of writing this report, a total of 125 individual letters objecting to the proposed development have been received. The main points of concern raised by the objectors (in no particular order) are as follows:

1. The A48 is already extremely busy and more traffic hazards and congestion will be created as a result of these proposals. This will apply not only during weekdays but also on weekends (Saturdays) when traffic generated by Culverhouse Cross is particularly heavy.
2. The road access of St. Georges Lane is unsuitable as this road is extremely narrow and will struggle to cater for large volumes of traffic.
3. Parking could present real problems as only 61 car parking spaces have been proposed and the nearest roads (St. Georges Lane and the A48) are totally unsuitable to accommodate overspill parking for large funerals.
4. The application site is good quality agricultural land and should be retained for this purpose.
5. The site is extremely attractive in landscape terms and is located within a Special Landscape Area. The site should not be developed for this reason alone.
6. The proposal is contrary to policies in the recently approved UDP and approval of this proposal would undermine the importance of the Plan.
7. The proposal, if approved, would add to the “creeping urbanisation” of the area, already evidenced by the developments at Culverhouse Cross, and would represent an unwelcome precedent for further development in this rural area.
8. Concerns have been expressed about the possible health risks because of likely pollutants/emissions from the crematorium and possible attendant odour from the process. There would also be additional pollution/emissions from the large numbers of vehicles attending the site and therefore the air quality of the area could be adversely affected by the proposals.
9. The site is not in a sustainable location as virtually all journeys to the site would be by private car.
10. Many objectors consider that this site is in an inappropriate location to serve the Vale. Such a facility should be located much closer to the Barry/Sully/Penarth area where the Vale’s population is mostly concentrated and the chosen site should ideally be ‘brownfield’ and not ‘greenfield’.
11. Alternative sites have not been fully and properly investigated and assessed.
12. There is an unproven need for this facility given the alternative existing provision in Bridgend and Cardiff.

Five sample letters, being generally representative of the views expressed, are set out at Appendix K.

At the time of writing 61 letters in support of the application have been received. The main points raised in this correspondence are as follows.

1. The Vale of Glamorgan needs a crematorium within its area and the proposed facility would be an asset to the Vale.
2. The development looks very attractively designed and well landscaped in a peaceful and dignified setting.
3. The site is easily accessible and convenient being located just off the A48 which is the main road through the Vale of Glamorgan.
4. The facility would cut down on travel time and expense as Vale residents currently need to use crematoria facilities in Cardiff or Bridgend.
5. Many of the objections received are based on NIMBY-ISM.
6. The cremation fees for a local crematorium are likely to be lower than those in Cardiff or Bridgend.
7. A burial facility is also proposed and this would help to solve the loss of burial spaces in the Vale.
8. There will be no apparent increase in traffic levels as such funeral traffic already uses the A48 to reach Bridgend or Cardiff.

Three such letters, being generally representative of the views expressed, are attached at Appendix L to the report.

For the information of Members all letters either in opposition to or in support of the proposed development are retained on file, and can be inspected on request.

In addition to the above representations, a letter of objection has been received from the St. Nicholas Society, and this is attached at Appendix M.

Finally, two local residents have employed planning consultants (Boyer Planning) to object on their behalf, and this letter of objection is separately appended at Appendix N.

REPORT

There are a number of important local and national policies which need to be assessed in relation to this proposal, covering a wide range of issues such as the impact of the development on the countryside and on the landscape quality of the site. Agricultural land quality is also an issue which needs to be taken into account. The site lies close to, and within the setting of, the historic park and garden of Coedarhydyglyn (listed as Grade II* on the Cadw Register of Parks and Gardens for Special Historic Interest) and this is another factor which will need to be assessed. Other issues which will need to be considered include public health, highway issues and the general issue of the need for additional burial facilities and a crematorium in the Vale.

These issues will be dealt with in more detail below, but it is first necessary to set out the relevant local and national policy context.

Policy Context

The relevant local policy context is primarily contained within the Adopted Vale of Glamorgan Unitary Development Plan 1996 – 2011. For the information of Members revised policy numbers came into effect on 10th April, 2006 and the new policy numbers will therefore be used (but the recently superseded policy numbers will be quoted in brackets, where necessary, for ease of reference).

In terms of Strategic Policies, Policy 14 is considered to be relevant. This states as follows:

DEVELOPMENTS ASSOCIATED WITH COMMUNITY AND UTILITY SERVICES WILL BE PERMITTED IF THERE IS NO UNACCEPTABLE IMPACT ON THE INTERESTS OF AGRICULTURE, CONSERVATION, LISTED BUILDINGS, ARCHAEOLOGICAL FEATURES, AREAS OF ECOLOGICAL, WILDLIFE AND LANDSCAPE IMPORTANCE AND RESIDENTIAL AMENITY.

As the site is located within the countryside, the following policy is considered relevant:

POLICY ENV 1 – DEVELOPMENT IN THE COUNTRYSIDE.

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.

The applicants agents have carried out their own agricultural land quality appraisal of the application site, and this concludes that 60% of the site (4.2 hectares) is classified as Grade 3a and 40% (2.8 hectares) as Grade 3b quality. Accordingly the following policy is also considered to be relevant:

POLICY ENV2 – AGRICULTURAL LAND

THE BEST AND MOST VERSATILE AGRICULTURAL LAND (GRADES 1, 2 AND 3A) WILL BE PROTECTED FROM IRREVERSIBLE DEVELOPMENT, SAVE WHERE EXCEPTIONAL OVERRIDING NEED CAN BE DEMONSTRATED. NON AGRICULTURAL LAND OR LAND OF A LOWER QUALITY SHOULD BE USED WHEN DEVELOPMENT IS PROPOSED, UNLESS SUCH LAND HAS A STATUTORY LANDSCAPE, NATURE CONSERVATION, HISTORIC OR ARCHAEOLOGICAL DESIGNATION WHICH OUTWEIGHS AGRICULTURAL CONSIDERATIONS.

The site is also located within the Ely Valley and Ridge Slopes Special Landscape area and thus the following UDP policy applies:

POLICY ENV4 (Formerly ENVXXX) – SPECIAL LANDSCAPE AREAS

NEW DEVELOPMENT WITHIN OR CLOSELY RELATED TO THE FOLLOWING SPECIAL LANDSCAPE AREAS WILL BE PERMITTED WHERE IT CAN BE DEMONSTRATED THAT IT WOULD NOT ADVERSELY EFFECT THE LANDSCAPE CHARACTER, LANDSCAPE FEATURES OR VISUAL AMENITIES OF THE SPECIAL LANDSCAPE AREA:

- (i) ELY VALLEY AND RIDGE SLOPES

The supporting explanatory text to this policy advises as follows:

“The design of development approved within the countryside can have a great effect upon the quality of the rural landscape. Development in the above areas will be strictly controlled in order to protect their special landscape character. Following the development of the LANDMAP methodology for landscape assessment by the Welsh Landscape Partnership Group and the Countryside Council for Wales, the Vale of Glamorgan Council has undertaken a comprehensive landscape study entitled “Landscapes Working for the Vale of Glamorgan”. This study forms the basis for the designation of the seven Special Landscape Areas. Full details of how these areas have been defined can be found in the SPG on Special Landscape Areas. Any development proposed within or on land closely related to a defined Special Landscape Area will need to have regard to the characteristics and features of the surrounding landscape. Applicants will need to demonstrate that their proposal has been designed to minimise the impact of the development upon the landscape. The Council will consider such issues as use of landform, orientation of buildings, use and enhancement of existing hard and soft landscape features such as trees, hedgerows, woodlands or walls, and use of materials when assessing the impact of a development.”

The site lies immediately adjacent to the Grade II* park and garden of Coedrhydyglyn and therefore the following policy is relevant:

POLICY ENV17 (FORMERLY ENV15) – PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

THE ENVIRONMENTAL QUALITIES OF THE BUILT AND HISTORIC ENVIRONMENT WILL BE PROTECTED. DEVELOPMENT WHICH HAS A DETRIMENTAL EFFECT ON THE SPECIAL CHARACTER, APPEARANCE OR SETTING OF:

- (i) A BUILDING OR GROUP OF BUILDINGS, STRUCTURE OR SITE OR ARCHITECTURAL OR HISTORIC INTEREST, INCLUDING LISTED BUILDINGS AND CONSERVATION AREAS;
- (ii) SCHEDULED ANCIENT MONUMENTS AND SITES OF ARCHAEOLOGICAL AND/OR HISTORIC INTEREST;
- (iii) DESIGNED LANDSCAPES, PARK OR GARDENS OF HISTORIC, CULTURAL OR AESTHETIC IMPORTANCE

WILL NOT BE PERMITTED.

The following policy is also considered relevant:

POLICY ENV10 (FORMERLY ENV9) – CONSERVATION OF THE COUNTRYSIDE

MEASURES TO MAINTAIN AND IMPROVE THE COUNTRYSIDE, ITS FEATURES AND RESOURCES WILL BE FAVOURED, PARTICULARLY IN THE GLAMORGAN HERITAGE COAST, AREAS OF HIGH QUALITY LANDSCAPE, AND AREAS SUBJECT TO DEVELOPMENT PRESSURE AND/OR CONFLICT SUCH AS THE URBAN FRINGE.

Another relevant UDP policy is Policy COMM9 – Additional Burial Land. Whilst the proposal is primarily for a crematorium, the proposal does make provision for new burial spaces. This policy states:

POLICY COMM9 (Formerly COMMXXX) – ADDITIONAL BURIAL LAND

PROPOSALS FOR ADDITIONAL BURIAL LAND IN THE FOLLOWING IDENTIFIED AREAS OF NEED: BARRY, PENARTH, LLANTWIT MAJOR, WILL BE PERMITTED IF:

- (i) PARKING AND SERVICING ARE PROVIDED IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES:
- (ii) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE EFFECT ON RESIDENTIAL AMENITIES BY VIRTUE OF GIVING RISE TO NEW OR EXACERBATE EXISTING LOCAL PROBLEMS RESULTING FROM TRAFFIC GENERATION, HIGHWAY SAFETY, NOISE, SMELL OR OTHER AMENITY CONSIDERATIONS; AND
- (iii) 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.

The explanatory text to this policy states as follows:

“The Council has been advised that during the Plan period there will be a requirement for additional burial space to be provided within the Barry, Penarth and Llantwit Major areas, because existing cemeteries are reaching capacity. Land for the development of new burial space will be made available as part of the Cogan Hall Farm development.

Whilst the Council has no statutory obligation in this matter it will in conjunction with Barry and Llantwit Major Town Councils seek to identify suitable land for burial purposes. Consideration will be given to proposals for all burial methods including traditional cemeteries, crematoriums and alternative green burials.”

Visual Impact of the Proposals

The site directly fronts the A48 and is undoubtedly prominent in the local landscape, with extensive views from the south, from the public footpath network, and from the A48 itself. The prominence of the site is accentuated by the fact that it also rises gently from south to north from an O.D. of 122.5m to 132m at the extreme north-east and north-west corners of the site.

The site falls within an area designated by the recently adopted Unitary Development Plan as a Special Landscape Area, and known as the ‘Ely Valley and Ridge Slopes’. This designation was supported by the Council’s Landscape Working for the Vale of Glamorgan LANDMAP assessment. Given such landscape designation, Strategic Policy 14 and Policy ENV4 of the Vale of Glamorgan Adopted Unitary Development Plan emphasise the need for development to not cause unacceptable impact on such areas of designation.

The proposed crematorium will be located in the central part of the site with a floor level of approximately 124.6m. As described above, the ridge height of the crematorium building will be 7.3m with a crematorium stack height of 10m. Accordingly, it is considered that the building will be very visible and prominent when viewed from the south, even with the retention of existing trees and hedgerows along the site frontage.

Whilst it is recognised that new tree and hedge planting is proposed, together with new earth mounds to the south and west of the main building and the car parking areas, it is still considered that the proposed development will be particularly prominent, particularly in the early years when new planting has not yet fully established or grown to provide the degree of screening required. It will also be noted that the Council's Landscape Section (see Appendix J) consider that the extensive level of landscaping intervention is inappropriate on this site and "would in fact detract from rather than enhance its character".

In the previous appeal at Wenvoe, the appointed Inspector considered that the introduction of a low-density layout incorporating single storey building, of the scale proposed, into the landscape would be in keeping with the scattered farmsteads and other man-made features in the local landscape. He also considered that it would only be a minor element in the overall view and it would not have a visually intrusive impact.

The current proposal, however, is considered to be of much greater impact, in a highly prominent location adjacent to the main trunk road through the Vale of Glamorgan, and within a historic landscape designated also for its special landscape value. The visual impact is thus considered to be unacceptable, and to amount to an insensitive form of development. In considering such matters, it is also particularly noteworthy to identify that the application's supporting landscape statement has wholly failed to identify that the site forms part of the essential setting of the Grade II* historic park and garden of Coedarhydyglyn (see below). Such historical context for the landscape setting is considered to be especially important, and in this respect is also considered to undermine the conclusions of such report.

On this basis, the proposal is considered to have an adverse visual impact on the character and appearance of the 'Ely Valley and Ridge Slopes' Special Landscape Area and would therefore be contrary to Policies ENV4 and ENV10 of the adopted UDP.

Agricultural Land Quality

The applicants' agents have submitted an 'agricultural appraisal' document which contains the results of a detailed evaluation of the agricultural characteristics of the site, including the agricultural land classification (ALC) of the site. This survey concludes that 60% of the site can be classified as Grade 3a and the other 40% as Grade 3b. The survey details indicate that the site forms part of a much larger holding which is dedicated entirely to use as permanent pasture. The main farm building complex is located at Coedarhydyglyn.

Appendix H of the report sets out the Welsh Assembly's observations on the proposals in relation to agricultural land quality. It will be noted from these observations that the Regional Adviser (Technical Services) questions the validity of the applicants' assertion (at paragraph 7.4 of their study) that "a suitable lower quality site is unlikely to be identified in the vicinity", as he feels that this ignores the presence of lower quality agricultural land in the vicinity. He also reminds the Local Planning Authority that attention should be paid to the comments contained at paragraph 2.8.1 of Planning Policy Wales (200) in relation to the "best and most versatile" agricultural land. This paragraph states as follows:

“2.8.1 In the case of agricultural land, land of grades 1, 2 and 3a of the Ministry of Agriculture Fisheries and Food (MAFF) Agricultural Land Classification (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In UDP policies and development control decisions, considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

In considering such matters, Policy ENV2 of the adopted UDP is most relevant in the consideration of this proposal (see above). Grade 3a land is described as falling within the ‘best and most versatile’ agricultural land quality, and 60% of this site falls within that particular grade. It is also considered that the vast majority of the site development would be considered as “irreversible”, given that the large crematorium building would be centrally located and surrounded ultimately by memorial gardens and trees as well as burial area. It would therefore be virtually impossible to turn the site back to agricultural use if the proposals were to be approved, a conclusion supported by the views of the earlier Inspector for the Wenvoe appeal.

In this earlier appeal, the Inspector also provided a clear indication of the need for him to be “reasonably satisfied that there were no other suitable sites on land of a lower quality”. Although the supporting statement considers it unlikely that one would be identified in the vicinity, nevertheless this is considered to be insufficient to meet the needs of local and national policy for exceptional overriding need to be demonstrated. In this respect, it is also noteworthy that the appeal Inspector stated that agricultural land quality would have to be assessed for specific sites as part of more detailed considerations under subsequent stages of any search process.

The Inspector subsequently concluded that, although it was possible that a structured search approach might not yield suitable sites on land of lower quality, nevertheless, because of the lack of evidence of such an approach, he was not convinced that this would be likely.

Although the applicants have now submitted details of additional sites that have been considered, nevertheless there remains an absence of supporting information to demonstrate that, on agricultural land quality grounds alone, the search has been sufficiently detailed or structured in order to adequately conclude that there exist no other suitable sites of lower land quality.

Accordingly, it is considered that the proposed development would be contrary to Policy ENV2 of the UDP and would not comply with advice contained in Planning Policy Wales (2002), with no exceptional overriding need having been demonstrated to overcome such policy objection.

Impact on the Historic Park and Garden of Coedarhydyglyn (Grade II*)

Appendix G sets out the views of Cadw on this application, specifically in relation to the impact on the historic park and garden which lies immediately adjacent and to the north of the site. However, many historic parks and gardens have designated areas described as “Essential Settings”, and the entire application site is incorporated within such designation (see attached plan at Appendix G). The letter from CADW fully describes the rationale behind the designation and concludes that “the proposed crematorium would harm the Essential Setting of the Grade II* registered park of Coedarhydyglyn. The proposed development represents a complete change of character of this part of the setting and, as such, it can be argued that it would cause damage to the historic and visual character of the site as a whole”.

The following paragraph summarises Cadw’s view why this proposal is considered unacceptable in terms of its impact on the historic park and garden:

“To conclude, in Cadw’s view, the proposed crematorium is of a character alien to both the rural farmland setting to the park and to the adjacent park and walled garden themselves. The development would introduce buildings, car parking, access roads, entrance and formal features (floral tribute area, covered area, service area, etc.) into what is now a pasture field. This would cause harm to the Essential Setting of Coedrhydyglyn and be in conflict with the guidance set out in Planning Policy Wales on the protection of registered historic parks and gardens.”

Planning Policy Wales advises that Local Planning Authorities should protect parks and gardens and their settings, and to this extent Strategic Policy 14 seeks to ensure that development does not have an unacceptable impact on conservation, while Policy ENV17 in particular states that development which has a detrimental effect on the special character appearance or setting of ... (iii) designed landscapes, parks or gardens of historic, cultural or aesthetic importance will not be permitted.

Given this importance, it is thus particularly noteworthy that the applicants submission has failed to refer at all to this designation, or consider its implications for their own scheme.

Consequently, the proposal is considered to be contrary to Policies ENV14 and ENV17 of the adopted UDP because of the adverse impact on the essential setting of the Historic Park, and also guidance contained within Planning Policy Wales and Circular 61/96.

Traffic Generation, Access and Car Parking Issues

It will be clear from the number of letters of objection which have been received that many of the objectors have expressed concern over the road traffic implications of these proposals. The original comments of the Head of Visible Services are set out above in the report, but essentially he has concluded that he would not object to the proposals should certain amendments be made to the proposals (mainly in relation to visibility splays, the widening of St. Georges Lane up to the proposed new crematorium access and the provision of more car parking spaces than the total of 61 spaces as shown in the originally submitted plans).

Extensive dialogue has taken place between the Council's highway engineers and the applicants on the above issues. Amended plans received on 14th March, 2006 (drawing no. JCN5358-C-001-D) indicate that the required visibility splays can be achieved, although the realignment of the existing attractive hedgerow along the western boundary of the site would need to be removed, realigned and replanted. The applicants have been reluctant to increase the level of car parking as they do not think that more than 61 spaces will be needed, but have subsequently agreed in principle that the car parking could be increased to 100 spaces plus an overflow provision of a further 50 spaces, probably in "grasscrete". On this basis, no highway objections are raised to the revised proposals.

Public Health Issues

It is noted that many of the letters of objection refer to the public health issues associated with potential emissions from the crematorium. However, it will also be noted that the Environmental Health Officer has not raised an objection to the proposed development. However, if the planning application were to be approved, the Environmental Protection Act 1990 would be relevant as this requires all crematoria to operate to strict standards. This would enable the Environmental Health Department to consider whether or not the operator can be granted an Authorisation to operate. It therefore transpires that there are separate controls over this specific matter which can be exercised by the Council in another capacity through the Environmental Protection Act.

Other Considerations

Another matter to be considered is the issue of need, as the Vale of Glamorgan does not possess a crematorium within its administrative area, the nearest facilities being Thornhill in Cardiff and Coychurch at Bridgend. The adopted UDP does not incorporate a specific policy relating to crematoria although Policy COMM9 (see above) does specify that proposals for additional burial land in the Vale, particularly in the Barry, Penarth and Llantwit Major areas, would be permissible subject to certain criteria.

It is noted that criterion (iii) of this policy specifically states that such proposals should not have an unacceptable impact on good quality agricultural land or on areas of high landscape value. The current proposal, which does include a small area of burial land, does not comply with these particular criteria nor does the chosen site fall within the identified areas of need for additional burial land.

It should be noted that in terms of the need for a crematorium facility within the Vale of Glamorgan, the applicants have submitted a schedule of alternative sites which concludes that there are no other alternative acceptable sites within the Vale, other than the chosen application site. A list of 24 sites are identified in the documentation, but it appears that the list of sites investigated has been done on an 'ad hoc' basis without the benefit of a rigorous sequential test approach, and the analysis of each of these sites is extremely brief. For example one such site is land at Weycock Cross which the study indicates is "now sold and thus not available". However, Committee will recall that a recent application for a pub/restaurant, hotel and airport car parking was refused on this site and therefore it would be wrong to discount this site so readily.

Indeed, the study briefly mentions another site (the South Wales Golf Driving Range off Port Road East, Barry), which is now the subject of a recently submitted application (ref: 06/00532/FUL) for another crematorium proposal although the applicants have subsequently sought to discount this site retrospectively by letter. In discussing the appeal for a crematorium at Caerau Lane, Wenvoe (see Appendix A), the Inspector was particularly critical of the lack of a “structured approach” to the search for alternative sites. Whilst the number of sites searched in this current submission is higher than before, the methodology used is far from rigorous and has not been as well structured as suggested by the Inspector in his decision letter on the previous Wenvoe appeal. The failure to identify the Historic Landscape of the site, or provide detailed information on matters of Agricultural Land Quality for sites also serves to undermine its conclusions.

Summary and Conclusions

In dealing with the previous proposals for crematoria facilities at the two Wenvoe sites, it was accepted that a crematorium facility within the Vale of Glamorgan would be a welcome public facility, and would inevitably need to be located in a semi-rural or urban fringe location because of the minimum distance (200 metres plus) which is required. It is also acknowledged that the Inspector at that time stated that crematoria are often best sited in the countryside, such that he did not consider there to be any conflict with Policy ENV1 (Development in the Countryside).

Irrespective of the need for such facilities within the Vale of Glamorgan, however, there is a need to ensure that any such proposed development can be fully justified through the demonstration of a rigorous, structured search which should take full account of all constraints on such sites, including designations of areas of historic or landscape importance, and matters of agricultural land quality. Only then can an appropriate balance be considered as to whether the harm that would result could be overcome by any need for such development.

For all the reasons given above, however, it is concluded that insufficient evidence has been submitted to support the assertion that the application site is the only likely site for a crematorium in the Vale. Moreover, the latest chosen site is not considered acceptable because of its adverse and irreversible impact on good quality agricultural land (Grade 3a) and also on the grounds that it would cause an adverse impact on the site and its surroundings, which is designated for its special landscape value, and designated as part of the Essential Setting of the Historic Park and Garden of Coedarhydyglyn. Such an adverse impact on the rural landscape and good quality agricultural land in an historic setting is considered to far outweigh the benefits to be derived from a new crematorium facility in this particular location.

The proposal therefore fails to comply with Strategic Policy 14 (Community and Utility Services), Policy ENV4 (Special Landscape Areas), Policy ENV17 (Protection of Built and Historic Environment), COMM9 (Additional Burial Land) and ENV10 (Conservation of the Countryside) of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011.

RECOMMENDATION (W.R.)

REFUSE

1. The application site is located within the Ely Valley and Ridge Slopes Special Landscape Area and it is considered that the proposed development would adversely affect the rural character and landscape quality of the Special Landscape Area and, accordingly, the proposals are contrary to Policy 14, Policies ENV4 and ENV10 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.
2. The application site is located on land which is designated as part of the Essential Setting of the Historic Park of Coedarhydyglyn, which is included on the Cadw/COMOS Register of Parks and Gardens of Special Interest in Wales as Grade II*. The proposed development would be of a character which would be alien to the rural farmland setting of the Park and would therefore cause damage to the historic and visual character of the farmland which forms the Essential Setting of the Historic Park. Accordingly, the proposal is considered to be contrary to Policy ENV17 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and guidance contained within Planning Policy Wales and Welsh Office Circular 61/96.
3. The proposal would result in the irreversible loss of over 3 hectares of Grade 3A agricultural land which is considered to represent the best and most versatile land quality. In the absence of sufficient evidence to demonstrate that there are no other suitable sites on land of a lower quality, the proposal is considered to fail to protect such land from development. Accordingly, the proposal would be contrary to Strategic Policy 14 and Policies ENV2 and COMM9 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and also advice contained within Paragraph 2.8.1 of Planning Policy Wales (March 2002).
4. Notwithstanding the submitted planning statement, it is considered that insufficient evidence of a rigorous and structured search methodology of the Vale of Glamorgan has been provided to demonstrate that the application site is the best or only site for such a facility, and to overcome the otherwise fundamental policy objection on grounds of adverse visual impact, historic impact and loss of Grade 3a agricultural land as identified in reasons 1 to 3 above.

Lt. Col. R.L. Traherne, Coedarhydyglyn, , St. Nicholas, , Cardiff. , CF5 6SF
Cooke and Arkwright, Bayer Lodge, Western Avenue, Bridgend Industrial Estate,
Bridgend. , CF31 3TZ

Land at The Drope, The Drope

Construction of single dwelling on an existing brownfield site and conversion of an existing building into a garage

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

The application is for demolition within the Drope Conservation Area.

The application was advertised on 12th January, 2006.

SITE DESCRIPTION

The application site is located in the small settlement of Drope and is located between the existing dwellings known as La Grange and Ty Llywd. The site is approximately 15m wide (on average) and has a maximum length and depth of 60 metres. A private access road borders the site on the west side and there is a small stream along the east side. The site is generally at a lower level than Drope Road and the side access road and is generally overgrown. A small brick built building (9m x 5m) is located towards the front of the site and is apparently used for storage purposes. The remains of a former Dutch barn agriculture building are also visible in the central part of the site.

DESCRIPTION OF DEVELOPMENT

This is a full application for the construction of a detached dwelling which would be centrally located within the site. The two storey dwelling would have 3 No. bedrooms and would have footprint dimensions of 10m x 8m with an eaves height of 5.5m and a ridge height of 8.75m approximately. External finishing materials are shown to be smooth faced render to walls, Welsh slate to the roof and stained hardwood windows and front door. The access is shown to be from the side access road and the existing brick built storage building would be utilised as a garage. No levels have been submitted for the dwelling, but have been requested from the applicants' agent.

PLANNING HISTORY

None.

CONSULTATIONS

St. Georges and St. Brides-super-El Community Council – “While Council has no objection in principle to the above application, it has the following comments to make:

The group of properties in the Drope Farm area all use a small local sewage treatment plant which is already overloaded and it is felt that additional

development will cause severe problems.

There is concern about the access for HGVs to the yards at the rear of Drope Farm development if the corner onto the main highway is squared off or the access lane is made narrower.

Council assumes a Conservation Area Committee will consider these proposals as the plot is in the Conservation Area.”

Vale of Glamorgan Conservation Area Advisory Group – Recommended refusal, as the Group considered that the principle of further development on the site would have an adverse effect on the Conservation Area, being out of keeping with the rural Conservation Area.

Glamorgan Gwent Archaeological Trust – It is unlikely that archaeological material would be located during the development. Therefore we have no objection to the positive determination of this application.

The Head of Visible Services (Highway Development) – Comment as follows:

“It is considered that the existing agricultural use on the site would generate volumes of traffic equal to or higher than the proposed residential use. Additionally, the nature of the residential use on the development site would remove large agricultural vehicles (tractors/trailers etc.) from the site access providing a benefit in terms of highway safety despite the poor visibility to the west of the access along Drope Road.

Therefore, the Highway Authority are unable to sustain an objection to the development proposals provided that the following details are made conditional to the planning consent.

1. Parking of 4 vehicles (3 resident and 1 visitor) and a manoeuvring area is required to be provided within the boundary of the development site, in accordance with the Highway Authorities approved details and shall be provided before the development is brought into beneficial use and thereafter maintained and retained at all times for the purpose associated with the development.
2. Visibility from the site access along Drope Road to the east shall be provided at 2.5m x 90m. Within the visibility envelopes, no obstructions e.g. boundary walls, fencing etc. shall be greater than 900mm in height above the carriageway channel edge and any planting will be located at the rear of the visibility envelope and shall not be greater than 600mm in height.”

The Council’s Ecology Officer’s comments are attached at Appendix A to this report.

Environment Agency Wales – Comments were received in the form of a standard guidance note for developers.

Dwr Cymru/Welsh Water – Has raised no objections in principle to the proposed development although a public sewer crosses the very front part of the site. However, if the application is approved, Dwr Cymru/Welsh Water would wish to see conditions imposed to ensure that foul water and surface water discharges are drained separately and that no surface water or land drainage run-off will be permitted to discharge into the public sewerage system.

The Head of Visible Services (Operational Manager Engineering Design) – Comments as follows:

“The submitted details indicate that surface water run-off from the proposed development is to discharge to a watercourse.

The applicant should therefore consider the effect of the run-off on the watercourse and limit the flows to greenfield run-off so as not to cause or exacerbate flooding downstream. The applicant should therefore be requested to provide full details of the proposals for the approval of the Local Planning Authority prior to the commencement of any works on site.”

REPRESENTATIONS

As the site is located within a Conservation Area, a site notice was posted and the proposal advertised in the local press (12th January, 2006). In addition, six of the nearest residential properties to the site have been individually notified.

To date, three individual letters of objection have been received to the proposals, from the occupiers of Drope Farm, Ty Llywd and La Grange. One letter of support has been received, from the occupiers of Ty Isaf. All these properties lie fairly close to the application site.

Copies of the three letters of objection are attached at Appendix B, and the letter of support is attached at Appendix C.

REPORT

The site lies within the vicinity of a small cluster of dwellings some of which were formerly agricultural buildings.

Contrary to the assertion made in the applicants planning statement, in policy terms The Drope is not defined by the Vale of Glamorgan Adopted Unitary Development Plan as a settlement which has sufficient physical form or capacity to assimilate new residential development. Therefore the site lies in a countryside location outside any defined residential settlement boundary.

The development does not relate to an agricultural workers' dwelling and therefore falls to be considered under Policy ENV1 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 whereby development in the countryside is strictly controlled. Whilst this scheme entails conversion of a small single storey structure into a garage, the dwelling itself is new build and therefore does not fall within Policy ENV1 criteria (iii). Policy HOUS3 is also relevant and again reinforces the policy that dwellings other than those with an agricultural justification will not be permitted without an agricultural or forestry justification.

As a matter of fact, therefore, the proposal fails to accord with Policies ENV1 and HOUS3 of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011.

In such circumstances, it is noted that paragraph 9.2.18 of Planning Policy Wales states that 'Many parts of the countryside have isolated groups of dwellings. Sensitive filling-in of small gaps, or minor extensions to such groups, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages'.

As detailed above the site does not fall within a settlement, and is considered not to have sufficient physical form or capacity to assimilate new residential development without having a detrimental impact on its existing character and environment.

The site lies not only within the Drope Conservation Area but also within the Ely Valley and Ridge Slopes Special Landscape Area. Policy ENV4 "New development within or closely related to the following Special Landscape Areas will be permitted where it can be demonstrated that it would not adversely affect the landscape character, landscape features or visual amenities of the Special Landscape Area:

1. Ely Valley and Ridge Slopes.

It is considered that the creation of this additional dwelling will lead to the incremental diminution of both this rural Conservation Area and the character of the Special Landscape Area. Until very recently the site had been occupied by a Dutch barn agricultural building which indicates the recent use of the site in association with agricultural activities and, indeed, the rural setting and character of this site. The scale of the new dwelling and its siting set back from the road with a significant residential curtilage will change the balance between rural development and built form in the area. Policies ENV20 – Development in Conservation Areas; ENV17 – Protection of Built and Historic Environment and ENV27 – Design of New Development, are all of relevance here.

Accordingly, the development of this open, agricultural site, would cause substantial damage to the inherent characteristics of this small, rural settlement, such that it could not be justified on the basis of the advice contained at para. 9.2.18 of Planning Policy Wales.

In summary, it is considered that the development comprises unjustified development in a rural area which would adversely affect the character of this rural Conservation Area and therefore should be refused. Policies of the Unitary Development Plan support this recommendation as does advice contained in the Planning Policy Wales (2002) and TAN 12 Design.

04235

RECOMMENDATION (W.R.)

REFUSE

1. The proposal represents unjustified residential development in this rural Conservation Area and Special Landscape Area, which would detract from the character of the Special Landscape Area and the Conservation Area. The proposal is therefore contrary to Policies ENV1, HOUS3, ENV4, ENV17, ENV20 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, to the approved Supplementary Planning Guidance 'Conservation Areas in the Rural Vale', and guidance contained in Planning Policy Wales 2002 and TAN12 Design.

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Windmill Lane Playing Fields, Windmill Lane, Llantwit Major

Perimeter fencing and stand

SITE DESCRIPTION.

The application site is Windmill Lane playing fields, Windmill Lane, Llantwit Major. The site lies towards the north of the town and is surrounded by the by-pass to the north and by residential areas to the south, east and west. The development itself relates to the playing field to the south of the changing rooms, which is currently leased from the Council by Llantwit Major Association Football Club.

DESCRIPTION OF DEVELOPMENT

The application is for a perimeter fence surrounding the playing field, and a spectator stand. The purpose of the application is to enable the Football Club to progress through the league system given league requirements for a perimeter fence around the pitch as well as a covered stand capable of holding at least 100 people.

Initially plans were submitted for a 1.8m steel palisade type fence around the pitch, and a spectator stand of size 10.5m wide x 10.5m deep x 5m in height, located to the south of the pitch. However concerns were raised to the applicant in respect of the appearance of the fencing and the size and location of the stand and amended plans were requested.

Accordingly the original plans have now been superseded by an amended proposal for a 1.8m high green mesh fence surrounding the pitch, and a reduced scale stand. The proposed stand measures 10.5m wide x 5.4m in depth x 2.9m in height and is proposed to the north of the pitch, approx. 50m south of the existing changing rooms. The fence contains two public access gates, one at the southeast corner of the pitch, and one at the northwest corner of the pitch.

The application is for improved facilities to enable progression through the football league should the Club achieve it. The proposal is not for a change of use of the site from a public playing field to a private sports ground. The playing field will continue to be a public facility and will not be closed to the public for the express use of the Football Club.

PLANNING HISTORY

98/00346/FUL - Spectator stand and fence. Approved on 15th June, 1998.

02/00403/FUL – Dugouts. Application withdrawn in July, 2002.

CONSULTATIONS

Llantwit Major Town Council - Were consulted on the 25th January, 2006 and again in respect of the amended plans on the 23rd February, 2006. The Town Council have objected to the proposal on the grounds that the playing fields should be protected as public open space, the area could attract 'undesirables' and that there is insufficient parking to cater for additional spectators.

The Head of Visible Services (Highways) - Has been consulted and has raised no objection to the proposal on the grounds that whilst the stand provides improved facilities to meet league requirements, it is unlikely that this will generate an additional demand for parking within the area.

The Operational Manager for Parks and Grounds - Raised concerns in relation to the original plans in respect of the appearance of the fence, the access points to the field and the position of the stand.

South Wales Police - Were consulted in respect of the application and have recommended that the stand be secured with roller shutters to reduce the possibility of anti-social behaviour and crime.

REPRESENTATIONS

The following neighbouring properties were consulted directly in respect of the application: Nos. 29-59 (odds) Llanmaes Road; 1-9, 19 and 20 Heol Ger y Felin; 13, 22 and 23 Heol Pentre'r Felin; 9-19 Clos Y Wiwer; 19-35 Maes Illtuds; 14 Windmill Lane and the properties on Windmill Lane known as Windmill Cottage, Stepping Stones, Woodentops and The Mount. In addition, a site notice was erected at the entrance to the playing fields on Windmill Lane.

Fifteen letters of objection were received in relation to the original plans, and a further twelve letters of objection were received in respect of the amended plans. One letter of support was received but raising concerns in respect of potential traffic generation and parking.

The main points of objection from the 25 letters are summarised as follows:

- The proposal seeks to enclose what should be retained as open space to serve the public, not a playing field for the private use of the Football Club.
- The Club would be carrying out a business on public land.
- There is insufficient parking to serve the development.
- The stand and fence would be an eyesore to the area and would adversely affect visual amenities.
- The stand will attract youths/undesirable, raising the likelihood of anti-social behaviour.
- The development is unjustified as few people watch the football matches.
- The development will create noise and nuisance.

- More visitors to the playing fields will increase disturbance to residents.

Three letters, which are generally representative of the views expressed are attached at Appendix A to this report. All letters, however, are retained on file for the inspection of Members.

Since the last formal report to Committee on this application, seven letters of support have been received and two such letters are attached at Appendix B. As reported verbally to the Committee at the meeting on 5th April, 2006, two petitions have been received. The front pages of each petition are attached. The petition in favour of the proposal (signed by 173 residents) is attached at Appendix C, and the petition against (signed by 56 residents) is attached at Appendix D.

REPORT

The main issues in this case are considered to be the impact of the fence and stand on visual amenity, the principle of the development, highways issues, and the impact of the development on any of the surrounding residential properties.

The Principle of Erecting a Fence Around the Playing Field

Whilst the application proposes the erection of an enclosure around the playing field, the purpose of the application is not to restrict access to the pitch for the general public. Two access points have been proposed to the playing field and these are not to be restricted when matches are not being played. Accordingly, and whilst the numerous concerns received in this respect are understandable, it is considered that principle of the fence, that being to meet football league criteria, is acceptable. The Council retains ownership of the land and therefore control over its retention as a public facility.

Visual Amenity

In policy terms, Policy ENV25- The Design of new Development, of the Vale of Glamorgan Adopted Unitary Development Plan 2005 (UDP) is relevant to this application as this requires that all new development should be of a high standard of design and should have regard to the context of the environment within which it is proposed.

Concerns were raised to the applicant in respect of the original plans given the appearance of the proposed fence and the size of the stand. Amended plans were subsequently received for a green coloured mesh fence and a stand reduced significantly in scale.

Whilst the site is currently open in nature, enclosed only partially by a white post and rail fence, it is not considered that the proposed development would impact unacceptably on local visual amenities. The scale, colour and nature of the fence is considered to be compatible with this environment and it is considered that the stand, 2.9m at its highest point, would not appear as an incongruous feature within the landscape. The stand has been proposed at the northern side of the pitch and therefore towards the centre of the whole site, close to the existing changing room buildings. Accordingly it is considered that the proposal satisfies the relevant criteria of Policy ENV25 of the UDP.

Impact on Neighbouring Residential Occupiers

Numerous objections have been raised in respect of the impact of the appearance of the fence and stand on residential amenities and the likely noise and disturbance that would be caused by the development.

In respect of the appearance of the fence and its impact on neighbouring residential occupiers, it is appreciated that many rear gardens presently have an open view across the playing fields. However it is well established that loss of view is not a planning consideration that could be cited as a ground for refusal. Whilst it is understandable that neighbouring residents would wish to retain the most open view possible, this cannot have a bearing on the obligation of the Local Authority to determine the application in light of the valid planning considerations.

The proximity of the fence to the neighbouring properties would vary and would be sited approximately 45m away from the nearest dwelling. Accordingly it is considered that the fence would not appear as an overbearing feature to any neighbouring property and would not unacceptably affect the amenities of these neighbours in this respect.

Whilst construction works may create a limited level of noise and disturbance, this would generally be expected with most forms of development and it is not considered that these concerns would justify the refusal of the application should it be considered to be acceptable in all other respects.

Fear of Crime and Anti-social Behaviour

Objections have been received in respect of the potential for the development to cause crime and anti-social behaviour. As a result of this, the South Wales Police Crime Prevention Officer was consulted to establish the view of the police force as to whether the development is likely to cause such incidences. The Crime Prevention officer has raised no objection to the proposal but has raised concerns should the stand be left open, and therefore potentially as a shelter for people to congregate. It is therefore considered that these concerns would be addressed by securing the stand with roller shutters when not in use.

Highways Issues

The Head of Visible Services (Highways) has been consulted and has raised no objection to the proposal on the grounds that whilst the stand provides improved facilities to meet league requirements, it is unlikely that this will generate an additional demand for parking within the area. Accordingly it is considered that an objection to the proposal could not be sustained on highways grounds.

Consideration of this application was deferred at the previous Committee meeting on 5th April, 2006 to enable Committee Members to inspect the site. It is currently anticipated that the inspection will take place on 4th May, 2006.

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.

Reason:

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

2. The planning permission hereby granted shall relate to the amended plan reference LM 001 A, received by the Local Planning Authority on 21st February, 2006.

Reason:

For the avoidance of doubt.

3. Notwithstanding the submitted plans, further details of the proposed materials involved in the construction of the stand shall be submitted to and agreed in writing by the Local Planning Authority, prior to the commencement of the construction of the stand.

Reason:

In the interests of visual amenities.

4. Prior to the beneficial use of the stand hereby approved, the stand shall be secured with locked, open weave, (not solid) roller shutters to the side and front elevations at all times when the playing field is not being used by Llantwit Major AFC or for any other organised football event. Full details of the proposed locked, open weave, roller shutters shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

Reason:

In order to secure the building and to prevent the potential for crime and anti-social behaviour.

5. The gated access points indicated on plan reference LM 001 A, shall remain open and free of obstruction to enable access to the playing field to members of the public at all times.

Reason:

For the avoidance of doubt and to ensure that the playing field remains accessible to the general public.

NOTE:

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

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

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

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

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Derek Richardson, 45, Salop Street, Penarth, Vale of Glamorgan. , CF64 1HH

45, Salop Street, Penarth

Renovation and partial rebuild of outhouse to be used in conjunction with main dwelling

SITE DESCRIPTION

This application site comprises a mid terraced property within a residential street in Penarth. This property, as well as the surrounding properties in the area, are undergoing renovation works on-site. Although still under renovation, the external facade of the property will consist of painted smooth render to the front elevation, upvc windows, slate roof tiles and a large rear garden with an existing outbuilding. The dwelling does not consist of a front garden area, nor does it consist of any on-site parking facilities.

DESCRIPTION OF DEVELOPMENT

This application seeks retrospective consent for the construction of a largely two-storey outbuilding measuring 5.6m x 8.0m to be used in conjunction with the main dwelling.

PLANNING HISTORY

This property does not have any previous planning history.

CONSULTATIONS

Penarth Town Council – Were consulted on 20th January, 2006. Their comments are as follows:

“ ...the application should be refused as insufficient information has been provided to properly assess the application, not only in terms of the extent of rebuilding, but in terms of the intended use of the premises. Furthermore, concern is expressed over the impact of the development on the neighbouring residential amenities, privacy implications arising from the overlooking of the rear garden area of No 46 Plassey Street from two first floor windows in the side elevation; and a general over development of the site given the site characteristics...”

REPRESENTATIONS

Neighbouring properties were notified on 22nd February, 2006 and to date four letters have been received all stating concerns of overlooking and over development of the site.

REPORT

The application site comprises a mid terraced property, accessed via Salop Street in Penarth and the application has been submitted to seek consent to retain the outbuilding. Although the planning application states that it relates to 'renovation and partial rebuild of outhouse', the development is predominantly a complete rebuild to two-storey height.

The application is to be assessed against the policies contained within the Vale of Glamorgan adopted Unitary Development Plan 1996 – 2011 as follows:

ENV27 – Design of New Developments states:

Proposals for new development must have full regard to the context of the local natural and built environment and its special features. New development will be permitted where it:

- (i) Complements or enhances the local character of buildings and open spaces.
- (ii) Meets the Council's approved standards of amenity and open space, access, car parking and servicing.
- (iii) Ensures adequacy or availability of utility services and adequate provision for waste management.
- (iv) Minimises any detrimental impact on adjacent areas.
- (v) Ensures existing soft and hard landscaping features are protected and complemented by new planting, surface or boundary features.
- (vi) Ensures clear distinction between public and private spaces.
- (vii) Provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility.
- (viii) Has regard to energy efficiency in design, layout, materials and technology.
- (ix) Has regard to measures to reduce the risk of fear and crime.

In addition, the 'Amenity Standards' Supplementary Planning Guidance (SPG), is of particular relevance in seeking to prevent harm to the amenities of nearby properties.

This property lies in a residential street, where all the properties are very similar in size, style and character. Although there are a number of buildings on land to the rear of dwellings in Salop Street, including number 44 next door, these are largely historical.

Firstly, in terms of scale and design, although the materials used and the external finishes on the outbuilding match those already existing on the property, the scale of the outbuilding itself is of concern, with regard to the size of the rear garden area, as half of the rear garden area has been used to accommodate the outbuilding.

Given the property's rear garden depth is just over 12 metres (and the new structure measures over 5 metres in depth), this is considered to amount to an over development of the site, especially when comparing this site to the neighbouring plots.

In addition to the impact of the buildings itself, the proposal is also considered to seriously affect the privacy of the neighbouring dwellings, numbers 46 to 49 Salop Street. The development, even though screened (to an extent) by a 2 metre high dividing ship lap wooden fence, has two large windows, which are not obscurely glazed on the first floor elevation, directly overlooking the neighbouring dwellings' rear garden areas. Even if obscurely glazed, it is considered the privacy and amenity of the nearby dwellings would be adversely affected.

As a result, and as stated above, by reason of its significant depth and height, and the close proximity to the dividing boundary, it is considered that this development represents an overbearing and un-neighbourly form of development, harmful to the amenities of the neighbouring properties and should therefore be refused.

RECOMMENDATION

In the event of Committee agreeing to the recommendation to refuse the planning application, 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:

- (i) The demolition and removal from the land of the unauthorised and unacceptable outbuilding

REFUSE

1. The outbuilding by reason of its substantial size, depth and height, in close proximity to the joint boundary and neighbouring dwellings, would adversely affect the amenity of the occupants of the neighbouring dwellings. This development is therefore contrary to the objectives of Policy ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and to guidance in the 'Amenity Standards' Supplementary Planning Guidance.

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Cooke and Arkwright, Bayer Lodge, Western Avenue, Bridgend. , CF31 3TZ

Farm buildings at Great House Farm, Llandough, Cowbridge

Convert existing stone barns into three bedroom dwelling including two extensions to the front and rear

SITE DESCRIPTION

The site comprises existing outbuildings at Great House Farm which are located between Ysgubor Goch and Brynawel. The site is traversed by a Public Right of Way, Public Footpath No. 7, Llanfair.

DESCRIPTION OF DEVELOPMENT

This is a detailed application for the conversion and extension of former farm buildings to a three bed dwelling-house. The proposal entails the following works:

- (a) Demolition of the existing dilapidated, single storey, timber framed annexe on the front elevation of the stone barn;
- (b) Construction of a new, single storey, pitched roof extension on the front, south-east elevation, measuring approximately 5.7m x 6.5m and to the ridge height of the existing single storey stone barn;
- (c) Construction of a new single storey, pitched roof extension on the rear, north-west elevation, measuring approximately 5.7m x 10.2m and to the ridge height of the existing single storey stone barn;
- (d) Ground works including excavation of earth bank, retaining walls and raised patio area to front elevation.

The new extensions will be finished externally in smooth lime/cement render with Rosemary tiles to the roof which will also be used in the new roof for the original stone barn.

Vehicular access will be via the existing shared entrance to Ysgubor Goch. Two car parking spaces will be provided on an existing hardstand area to the north of the barn. A new timber post and rail fence will define a residential curtilage around the site.

PLANNING HISTORY

None on application site, however there have been a number in the vicinity including:

01/01470/FUL – Residential barn conversion (now Ysgubor Goch), approved subject to conditions on 16th January, 2003.

03/01701/FUL – Land to the north of application site – Agricultural barn for storage of hay, implements and farm workshop building, approved subject to conditions on 27th February, 2004.

CONSULTATIONS

Llanfair Community Council – “No objection.”

Environment Agency were notified on 9th February, 2006.

Dwr Cymru/Welsh Water – “Further to the above consultation we would provide the following comments:

Sewerage

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

Countryside Council for Wales – “We welcome the submission of the bat and barn owl survey undertaken in support of this application. We note that no evidence of bat(s) or barn owl was found within the buildings during the survey. We therefore have no further observations to make on this application.

Glamorgan Gwent Archaeological Trust – “The farm complex at Great House Farm is of post medieval date and the Sites and Monuments Record contains no information suggesting that it was built on the site of a previous settlement not does it suggest that any archaeological features are present in the vicinity of the farm. Therefore we have no objection to the positive determination of this application.

The record is not definitive however, and features may be disturbed during the course of the work. In this event, please contact this division of this Trust. Nevertheless, as the architectural advisers to your Members, we have no objection to the determination of this application.”

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 9th February, 2006. In addition the application was advertised on site and in the press as affecting a right of way on 8th March, 2006. No representations have been received to date.

REPORT

The site is located within the countryside and entails the conversion and extension of a former agricultural building to a three bedroom dwelling. As such the following policy background is relevant to the consideration of the application.

Policy ENV1 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 (UDP) relates to development in the countryside and 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.

The policy most relevant to the assessment of the application is Policy ENV8 – Small Scale Rural Conversions. This states:

PROPOSALS WHICH INVOLVE SMALL SCALE CONVERSIONS OF RURAL BUILDINGS TO NEW USES WILL BE PERMITTED IF ALL OF THE FOLLOWING CRITERIA IS MET:

- (i) WHERE THE BUILDING IS OF ARCHITECTURAL OR HISTORIC VALUE, THE PROPOSED CONVERSION RETAINS THOSE ARCHITECTURAL OR HISTORIC FEATURES PRESENT IN THE BUILDING;
- (ii) IN THE CASE OF A CONVERSION TO BUSINESS USE THE BUILDING IN TERMS OF FORM, BULK AND GENERAL DESIGN IS IN KEEPING WITH ITS SURROUNDINGS;
- (iii) THE BUILDING IS STRUCTURALLY SOUND AND THE CONVERSION CAN BE ACHIEVED WITHOUT SUBSTANTIAL RECONSTRUCTION OF THE EXTERNAL WALLS, OR EXTENSION TO THE BUILDING. HOWEVER, EACH PROPOSAL WILL BE ASSESSED AS A MATTER OF FACT AND DEGREE, DEPENDING ON THE PARTICULAR CIRCUMSTANCES OF THE CASE;
- (iv) CONVERSION WORK CAN BE UNDERTAKEN WITHOUT UNACCEPTABLY ALTERING THE APPEARANCE AND RURAL CHARACTER OF THE BUILDING;
- (v) WHERE RESIDENTIAL USE IS CONSIDERED ACCEPTABLE, AMENITY SPACE CAN BE PROVIDED WITHIN THE CURTILAGE OF THE SITE WITHOUT UNDUE INCURSION INTO THE RURAL LANDSCAPE;
- (vi) VEHICULAR ACCESS IS AVAILABLE OR CAN BE PROVIDED FROM THE PUBLIC HIGHWAY WITHOUT ANY UNACCEPTABLE EFFECT UPON THE APPEARANCE OF THE COUNTRYSIDE;
- (vii) SATISFACTORY PARKING PROVISION CAN BE MADE WITHIN THE CURTILAGE OF THE SITE;
- (viii) IN THE CASE OF CONVERSION FOR SMALL SCALE COMMERCIAL, INDUSTRIAL, RECREATIONAL OR TOURISM USE THE PROPOSAL SHOULD NOT CREATE UNACCEPTABLE TRAFFIC OR OTHER ENVIRONMENTAL PROBLEMS;
- (ix) IN THE CASE OF CONVERSIONS FOR SMALL SCALE COMMERCIAL OR INDUSTRIAL USES, ANY RETAIL SALE OF PRODUCTS SHOULD BE ANCILLARY TO THE MAIN USE;
- (x) THE PROPOSAL IS NOT INCOMPATIBLE WITH ACTIVITIES CARRIED OUT ON ADJOINING LAND, APPLICANTS MAY BE REQUESTED TO ENTER INTO A LEGAL AGREEMENT TO CONTROL THE ACTIVITIES OF OTHER LAND IN THEIR OWNERSHIP;

- (xi) UTILITY AND INFRASTRUCTURE SERVICES CAN BE PROVIDED WITHOUT UNACCEPTABLE VISUAL INTRUSION AND WITHOUT DETRIMENT TO THE ENVIRONMENT;
- (xii) THE PROPOSED NEW USE WOULD PRESERVE OR ENHANCE THE SETTING OR CHARACTER OF ANY CONSERVATION AREA;
- (xiii) THE PROPOSAL WOULD PRESERVE OR ENHANCE THE ARCHITECTURAL OR HISTORIC QUALITY OF A LISTED BUILDING OR ITS SETTING.

This is supported by the Supplementary Planning Guidance on the Conversion of Rural Buildings (SPG). The SPG highlights the fact that isolated buildings are not appropriate for residential conversion and are contrary to sustainability principles.

“Proposals for the conversion of isolated buildings for residential purposes are generally unacceptable. Residential conversions are not considered suitable in such locations because isolated residential development can have a detrimental effect upon the rural/agricultural character of the landscape and encourage private car use contrary to the principles of sustainability embodied in national policy and the UDP.”

Indeed Strategic Policy 2 of the UDP favours proposals which encourage sustainable practices, including:

- “(ii) Proposals which are located to minimise the need to travel, especially by car and help to reduce vehicle movements or which encourage cycling, walking and the use of public transport.”

Whilst Strategic Policy 8 states:

“Development will be favoured in locations which:

- (i) are highly accessible by means of travel other than the private car; and
- (ii) minimise traffic levels and associated unacceptable environmental effects.”

Other policies of relevance include Policy ENV4 which identifies the site as being within the Lower Thaw Valley Special Landscape Area. This requires that new development demonstrate that it would not adversely effect the landscape character, landscape features or visual amenities of the Special Landscape Area.

Policy ENV27 of the UDP relates to the design of new development and requires that it has full regard to the context of the local, national and built environment and its special features.

Policy HOUS3 of the UDP refers to dwellings in the countryside and is a policy that seeks to restrict new house building in the countryside to those that can be justified in the interests of agriculture and forestry.

Planning Policy Wales March 2002 contains national guidance on the residential conversion of rural buildings and states at paragraph 7.6.11:

“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.”

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

It will be noted from the submitted structural report that the existing dilapidated timber framed workshop is not suitable for conversion and that the roof over the single storey stone barn will need to be completely replaced. The submitted plans show that the proposal will entail significant new build extensions, being almost the same floor area as the original stone barn, plus extensive ground-works, including excavation of land to the rear and a raised patio area to the front. Criterion (ii) of Policy ENV8 requires that the conversion work can be achieved without substantial reconstruction of the external walls, or extension to the building. The SPG on the conversion of rural buildings recognises that there is no planning merit in preserving unsightly buildings, and the replacement of the existing timber framed annexe with a new build extension is not a conversion. Indeed, the applicants own Planning Statement submitted with the application recognises that the original stone barn is not appropriate for conversion to residential use. Paragraph 2.4.3 states:

“Within our proposed conversion scheme, we have included two extensions to the front and rear of the barn. This new construction is required in order to make this scheme feasible and provide suitable living accommodation.”

Criterion (iv) of Policy ENV8 requires that the conversion work can be undertaken without unacceptably altering the appearance and rural character of the building. Clearly the extensions proposed will disrupt the scale and appearance of the original building and appear as a new dwelling within the countryside. The applicant’s planning statement argues that the visual impact of the extensions will be lessened due to its location between existing dwellings. This viewpoint is not concurred with. In contrast it is considered that the proposal will have a significant adverse affect on the surrounding rural landscape of the Lower Thaw Valley Special Landscape Area. The existing rural character of the building and surrounding land will be lost. The extensions, along with the artificially defined curtilage and raised patio will all serve to consolidate urbanisation of the area to the detriment of the rural landscape setting and the wider Lower Thaw Valley Special Landscape Area.

On the issue of highways, it is noted that the Council’s Highway Engineer has no objection, subject to the provision of four parking spaces within the site and improvements to visibility with the removal of overhanging vegetation from boundary walls for a distance of 45m to north and south of the site access.

Whilst it appears from the submitted plans that these requirements could be achieved, nevertheless it will only serve to increase the urbanisation of the area, possibly affecting ecology (see later comments), and also reduce the available amenity space for the dwelling.

In addition, the Council's Public Rights of Way Officer has confirmed that the northern extension and the proposed parking area will directly affect the line of the Public Footpath No. 7, Llanfair. The proposal would, therefore, require the formal diversion of this public footpath.

As regards wildlife protection, the application was supported by a bat and barn owl survey and both the Countryside Council for Wales and the Council's Ecologist have confirmed that they are satisfied with the findings. The Council's Ecologist has requested the imposition of informatives on any consent and also notes that the access to the building joins a highway that is designated as a Highway Verge Conservation Zone (HVCZ) for its botanical value.

Finally, in terms of the infrastructure the proposal intends utilising a private treatment plant for drainage. Welsh Water have no comments in this respect whilst the Environment Agency have not responded to date.

In conclusion, it is considered that the proposal entails such a significant amount of new build development that it amounts to the creation of a new dwelling in the countryside unjustified for agricultural purposes.

The appearance and rural character of the building itself and the surrounding special landscape area would be severely diminished by the works resulting in the unacceptable consolidation of urban development in the locality.

In view of the above the following recommendation is made.

04313

RECOMMENDATION (W.R.)

REFUSE

1. In the opinion of the Local Planning Authority the proposal amounts to the substantial reconstruction and extension of an existing rural building, whose form and domestication of the building and site would also cause harm to the surrounding countryside. Accordingly, the proposal amounts to the construction of a new dwelling in the countryside, unjustified for agriculture or forestry purposes, which would significantly detract from the rural character of the building and its setting within the Lower Thaw Valley Special Landscape Area contrary to Policies ENV1, HOUS3, ENV8, ENV4, ENV27 and Strategic Policies 2 and 8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011; Supplementary Planning Guidance on the Conversion of Rural Buildings; and national guidance contained within Planning Policy Wales (March 2002).

Abdul Alim, The Big Windsor, Flat 1, Stuart Street, Cardiff Bay, Cardiff. CF10 5BW

Abdul Alim, The Big Windsor, Flat 1, Stuart Street, Cardiff Bay, Cardiff. CF10 5BW

The Westbourne Hotel, 8, Victoria Road, Penarth

Conversion from guest house to private residence

The development/property is situated within the Penarth Conservation Area.

The application was advertised on 28th February, 2006.

SITE DESCRIPTION

A traditional Victorian property which has been in use for some years as an Hotel, although this use has now ceased. The property is situated at the junction of Victoria Road and Station Road close to the railway station and Station Approach.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to convert the Hotel into a single, residential dwelling.

PLANNING HISTORY

None directly relevant.

CONSULTATIONS

Penarth Town Council – Approved.

REPRESENTATIONS

No representations have been received to date.

REPORT

The Hotel use has ceased and the proposal to convert the property to a single dwelling is considered to be acceptable. The building lies close to the commercial area of Station Approach, however, the adjoining property (semi-detached with the Hotel) is in residential use. Properties to the south and south-west of the site are generally residential. There are no objections in policy terms to the loss of the Hotel in this urban location although it is noted other hotels in Penarth have closed in recent years. The consent for a new hotel on Marine Parade is currently being implemented. Thus there are no objections to this application in economic development terms. The conversion to residential use would, however, enable permitted development rights for dwellings to be accrued and thus, as the site is within the Penarth Conservation Area, where in parts an Article 4 Direction seeks to control such development, it is recommended that permitted development rights be removed for other alterations, extensions, fences and walls. As the site is a corner plot and thus prominent, controls over incidental development within the

curtilage should also be imposed.

Subject to the following conditions it is recommended that a consent be granted.

04310

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.

Reason:

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

2. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order, no development permitted under Classes A, B, C, D, E, F and H of Schedule 2 Part 1 of that Order shall be undertaken without the prior consent of the Local Planning Authority.

Reason:

The site is situated in a prominent position within the Penarth Conservation Area and the Local Planning Authority seeks to control residential permitted development to maintain the character of that area.

3. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order, no development permitted under Schedule 2, Part 2 Minor Operations Class A shall be undertaken without the prior written consent of the Local Planning Authority.

Reason:

The site is situated in a prominent position within the Penarth Conservation Area and the Local Planning Authority seeks to control residential permitted development to maintain the character of that area.

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.

Mr. Mark Edwards, No. 1, New Barn, Flemingston, Vale of Glamorgan. CF62 4QL
Anderson and Associates, 39, High Street, Cowbridge, South Glamorgan. CF71
7AE

Field Parcel 8133 to rear of 3, New Barn, Flemingston, St. Athan

Change of use to caravan storage including access track from existing gate

SITE DESCRIPTION

The application site relates to an agricultural field Parcel 8133, located to the rear of No. 3 New Barn, Flemingston and adjacent to an existing hangar in R.A.F. St. Athan.

DESCRIPTION OF DEVELOPMENT

This application is for the change of use of the existing agricultural field for use as caravan storage and includes the provision of an access track from the existing gate.

The main area for caravan storage comprises a roughly rectangular field of a maximum length of 164 metres by a width of 74 metres and approximate area of 1 hectare.

The application includes the provision of an access track from the existing vehicle entrance some 130 metres in length .

The plans indicate new hedging and screening around the perimeter of the site.

PLANNING HISTORY

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

CONSULTATIONS

Llanmaes Community Council - Were consulted on 1st March, 2006 and to date no formal comments have been received.

Environment Agency Wales – Were consulted and have responded with a “Standard Advice” guidance note for developers.

The Head of Visible Services (Highways Development) - Was consulted on the application and has made the following comments:

“Further to the site inspection carried out in relation to the above application, I would comment that the development proposals are unacceptable to the Highway Authority as the existing access to the site is not of a standard that will provide safe means of access.

Furthermore, it is considered that the existing highway network is unsuitable for large vehicles that will be required to visit the site due to narrow carriageway widths and restricted visibility particularly to the south of the site.”

The Estates Section of the Council have raised an objection to the application on the grounds of the impact on the rural landscape, traffic generation and negative effect on property values and quality of the environment for residents.

REPRESENTATIONS

Neighbouring residential properties were consulted on 22nd February, 2006 and a site notice was also posted. To date one letter of representation has been received from the occupiers of No. 3 New Barn raising an objection. A copy of the letter is attached as Appendix A. In summary the letter states that the proposal would have a detrimental affect on the rural landscape and additional traffic generation.

REPORT

The Development Plan for this area is the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 (UDP).

The application falls outside of any defined residential settlement boundary and as such is classified as falling within the countryside.

In terms of strategic policies, Policy 1 is relevant which states:

“The Vale of Glamorgan's distinctive rural, urban and coastal character will be protected and enhanced. Particular emphasis will be given to conserving areas of importance for landscape, ecology and wildlife, the best and most versatile agricultural land and important features of the built heritage. Proposals which enhance these areas will be favored.”

Within the Part 2 policies the following policies are considered relevant

POLICY ENV 1 – DEVELOPMENT IN THE COUNTRYSIDE

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; OR
- (IV) DEVELOPMENT WHICH IS APPROVED UNDER OTHER POLICIES OF THE PLAN.

The proposal does not relate to a caravan park but for the external storage of caravans on open land and as such commercial storage falls within Class B8 as defined in the Use Classes Order 1987. Accordingly the following policy is considered relevant.

POLICY EMP2 – NEW BUSINESS AND INDUSTRIAL DEVELOPMENT

PROPOSALS FOR NEW BUSINESS AND INDUSTRIAL DEVELOPMENT INCLUDING AGRICULTURAL SERVICE INDUSTRIES AND THE EXTENSION, CONVERSION AND REPLACEMENT OF EXISTING PREMISES FOR SUCH PURPOSES, WILL BE PERMITTED IF

ALL OF THE FOLLOWING CRITERIA ARE MET:

- (I) THE PROPOSAL DOES NOT LIE WITHIN THE COUNTRYSIDE EXCEPT FOR THOSE PROPOSALS ACCEPTABLE UNDER THE TERMS OF ENV 8 (RURAL BUILDINGS) OR COMM 2 (REDUNDANT HOSPITALS).
- (II) THE PROPOSAL MINIMISES THE LOSS OF GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2 AND 3A) AND DOES NOT HAVE AN UNACCEPTABLE IMPACT ON AREAS OF ATTRACTIVE LANDSCAPE AND HIGH QUALITY TOWNSCAPE OR ON AREAS OF HISTORICAL, ARCHAEOLOGICAL OR ECOLOGICAL IMPORTANCE.
- (III) THE SIZE AND RELATIONSHIP OF ANY NEW BUILDING AND / OR ALTERATION OR EXTENSION IS NOT DISPROPORTIONATE TO ITS SIZE AND SETTING.
- (IV) ACCESS AND PARKING ARRANGEMENTS ARE IN ACCORDANCE WITH THE COUNCIL'S APPROVED STANDARDS.
- (V) ADEQUATE LANDSCAPING IS PROVIDED.
- (VI) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE EFFECT ON RESIDENTIAL AMENITY BY VIRTUE OF TRAFFIC CONGESTION, NOISE, SMELL, SAFETY, HEALTH IMPACTS AND EMISSIONS.
- (VII) ADEQUATE UTILITY AND INFRASTRUCTURE SERVICES EXIST OR ARE REASONABLY ACCESSIBLE OR CAPABLE OF BEING READILY AND ECONOMICALLY PROVIDED.
- (VIII) DOES NOT PRESENT ADDITIONAL RISK TO THE HEALTH OR SAFETY OF USERS OF THE SITE AND DOES NOT UNACCEPTABLY POLLUTE AIR, WATER, OR LAND; AND
- (IX) DOES NOT UNACCEPTABLY AFFECT THE USE OF THE ADJOINING LAND BY VIRTUE OF THE RISK AND IMPACT OF POTENTIAL POLLUTION.

As previously stated the site falls within the countryside and the proposal is contrary to criterion (i) of Policy EMP2. Furthermore the site is also classified as having an agricultural land classification of Grade 2 which is one of the most versatile types of agricultural land. As such the loss of the site would be contrary to criterion (ii) of the same policy and also contrary to national Planning Policy Guidance set out in Planning Policy Wales March 2002.

With regard to the nature of the use, the agents supporting letter states that the agricultural quality of the land would be preserved by way of a protective membrane and given the seasonal nature of the caravan storage, the use of the site should be considered as temporary.

Whilst the proposal does only relate to a change of use of the land, a further application would have to be submitted for associated operational development such as the provision of a protective membrane and other works which could include drainage, hard surfacing and leveling/grading of the land.

As such it is likely that the proposal would in reality materially alter the appearance of the existing agricultural field beyond that of a change of use application considered under this application. Whilst it may well be argued the site could revert back to agricultural use, it is likely that the agricultural land quality would be affected by the storage of caravans and other associated operations.

In relation to highway access, the Head of Visible Services has stated that the existing access to the site is not of a standard that will provide safe means of access and the existing highway network is unsuitable for large vehicles due to narrow carriageway widths and restricted visibility particularly to the south of the site.

In terms of visual impact, the site is located adjacent to a large hangar at R.A.F. St. Athan, however there are open views of the site from the north from the semi-detached properties at Newbarn holdings and from the main road. Furthermore, the proposed access track between the highway and the caravan storage area would also result in development of the adjoining field where the proposed access track, which would no doubt have to be constructed in bound material, would also adversely impact on the character of remaining part of the field and the countryside and would also impact on the viability of the agricultural use of the remaining part of the field.

For the above reasons, the proposed change of use of agricultural land for the storage of caravans would result in an unacceptable and unjustified development in the countryside contrary to the above referenced policies. Furthermore, it is not considered that landscaping or other conditions could be imposed to sufficiently ameliorate the impacts of the development to override the principal policy objection to the development.

04318

RECOMMENDATION (W.R.)

REFUSE

1. The proposed change of use of agricultural land to caravan storage in addition to the length of the associated access track required, would result in an unacceptable and unjustified form of commercial development within the countryside which would adversely affect the appearance of the surrounding countryside. As such the proposed development is considered contrary to Policies ENV1 (Development in the Countryside) and EMP2 (New Business and Industrial Development) of the Vale of Glamorgan Adopted Unitary Plan 1996-2011.
2. The development proposals are unacceptable to the Highway Authority as the existing access to the site is not of a standard that will provide safe means of access. Furthermore the existing highway network is unsuitable for large vehicles that will be required to visit the site due to narrow carriageway widths and restricted visibility particularly to the south of the site. The proposal is therefore considered to adversely impact on highway safety contrary to Policy ENV27 (Design of New Developments) of the Vale of Glamorgan Unitary Adopted Development Plan 1996-2011.

Kerrie O'Carroll, 7, York Place, Barry, Vale of Glamorgan. CF62 7ED
Kerrie O'Carroll, 7, York Place, Barry, Vale of Glamorgan. CF62 7ED

4, High Street, Barry

Change from retail shop to american ice cream parlour/coffee shop

SITE DESCRIPTION

The application site relates to an existing Class A1 retail use premises situated within the designated primary shopping area of High Street in Barry. The fronting highway has a one-way system and the majority of shops within the designated primary shopping area are Class A1 – Retail Use.

DESCRIPTION OF DEVELOPMENT

The application seeks permission for a change of use to alter the existing Class A1 Retail Use to an A3 Ice Cream Parlour/Coffee Shop. There are no details regarding alterations to the shop front or extensions to the existing building.

PLANNING HISTORY

There is no relevant planning history.

CONSULTATIONS

Barry Town Council – Comment as follows:

“No objection subject to conditions on use and hours permitted. Also it should be noted that the Council do have concerns over the balance between retail and non retail use in the Town Centre.”

The Director of Legal and Regulatory Services (Environmental Health) – “This Department has no objection to this application as long as the following conditions are met:

1. The permitted usage shall be restricted to A1 sandwich bar.
2. Any hot food served shall be limited to drinks and foods that are not grilled, fried or of a pungent nature, e.g. curries. The application has been discussed with the applicant and she has stated that foods served will be limited to waffles, ice-cream, hot dogs reheated in hot water and hot and cold drinks. If a restricted menu is utilised the likelihood of nuisance and the need for extensive extraction may be limited.
3. As stated by the Food Section of Environmental Health, there shall be sufficient ventilation and it is advised as a minimum this should be mechanical and be situated in the proposed preparation area where there may be a build up of water vapour. Any extraction fitted shall not increase current background levels or have any tonal content.

4. The applicant has stated that she would like to trade, if permitted, between 10:00 and 18:00, seven days a week. Having carried out noise surveys recently in the area, these hours would probably not pose a problem with regard to hours of opening to the public.
5. No hot food take-away to be permitted.”

REPRESENTATIONS

Nos. 2, 3, 5, 6, 69, 70, 71, 73, 74 High Street and Nos. 73, 74, 75, 76, 77 Queen Street were notified on 1st March, 2006. No representations have been received to date.

REPORT

The application site relates to an existing Class A1 Retail Use premises situated within the designated primary shopping area of High Street in Barry. The fronting highway has a one-way system and the majority of shops within the designated primary shopping area are of Class A1 Retail Use. As such, the relevant policies to the application site are Policy SHOP5 – Ground Floor Use in Primary Shopping Area; SHOP10 – New Takeaway Outlets; and ENV27 – Design of New Developments of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011.

Policy SHOP5 GROUND FLOOR USES IN PRIMARY SHOPPING AREAS

AT GROUND FLOOR LEVEL IN PRIMARY SHOPPING AREAS OF THE TOWN/DISTRICT SHOPPING CENTRES, USES OTHER THAN THOSE WHICH FALL WITHIN CLASS A1 OF THE USE CLASSES ORDER 1987 (AS AMENDED) WILL ONLY BE PERMITTED WHERE THE PROPOSAL:

- (i) WOULD NOT, BY VIRTUE OF ITS NATURE, DESIGN AND SCALE CREATE AN UNACCEPTABLE EFFECT ON THE CHARACTER OF THE PRIMARY SHOPPING FRONTAGE;
- (ii) WOULD NOT DOMINATE THE PRIMARY SHOPPING AREAS IN A WAY WHICH WOULD UNDERMINE THE RETAIL FUNCTION;
- (iii) WOULD NOT CREATE A DEAD WINDOW FRONTAGE;
- (iv) WOULD NOT GIVE RISE TO NEW, OR EXACERBATE EXISTING, LOCAL PROBLEMS RESULTING FROM TRAFFIC GENERATION, HIGHWAY SAFETY, NOISE, SMELL OR OTHER AMENITY CONSIDERATIONS; AND
- (v) INCORPORATES A HIGH STANDARD OF DESIGN.

The proposal lies within the designated primary shopping area for High Street, Barry, where under Policy SHOP5 it is presumed that shop units should be retained as a Class A1 Use in order to ensure the vitality of the primary shopping area with a majority of Class A1 retail uses. Policy observations have shown that the existing Class A3 Uses at the primary shopping area equals 15% of the primary shopping frontage and the additional unit would increase this figure to 17.5% of the total area. This percentage is considered as an acceptable mix of retail and non retail uses and therefore, in principle, the proposed ice cream parlour/coffee shop is considered acceptable. In addition, the proposal does not include any alterations to the shop frontage and therefore the existing shop front design will remain.

The Head of Visible Services (Highways) has no objections to the proposal. It is considered that as a result of the scale and type of business in addition to the existing public transport system near to the site there are no concerns in relation to highway safety.

With respect to Environmental Health issues, there are minor concerns regarding possible odour and ventilation from the proposed ice cream parlour and its potential impact upon the nearby residents. Environmental Health do not object in principle to the proposal but as a result of the close proximity to the adjoining residential areas it is considered that the applicant should provide the Council with details of odour and ventilation schemes which should minimise the potential impact to the residents prior to the beneficial use of the site. This can be covered by way of a planning condition.

Therefore, subject to the following conditions, a recommendation for approval is made.

04309

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.

Reason:

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

2. These premises shall not be open and no customers shall be permitted on the premises outside the following hours:

10:00 a.m. to 18:00 p.m. Monday to Sunday.

Reason:

To safeguard the amenities of the surrounding residents.

3. The proposed A3 - Ice Cream Parlour/Coffee Shop shall be used only for the purpose(s) specified in the application and for no other purpose, whatsoever, including any other purpose in Class A3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason:

To control the precise nature of the use of the site.

4. Notwithstanding the submitted plans, details of the odour and ventilation system shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved schemes of odour control shall be constructed in full accordance with the details as agreed prior to the first beneficial use of the development hereby approved and shall thereafter be so maintained at all times.

Reason:

To safeguard the surrounding residential amenity.

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.

Meltray Limited, C/o Home Farm, Michaelston-Le-Pit, Vale of Glamorgan. CF64 4HE

John Rosser RIBA 3, The Courtyard, Michaelston-Le-Pit, Vale of Glamorgan. CF64 4HE

66, Victoria Road, Penarth

Demolition of existing house and garage block. Construction of new two/three storey apartment block with basement, associated landscaping and car parking

SITE DESCRIPTION

The application site comprises an existing detached three storey property, currently sub-divided into 5 No. self-contained flats, with a detached block of five garages to the rear.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the demolition of the existing house and associated garaging and the redevelopment of the site with a part four, part three storey block of 7 No. self-contained apartments. The proposed new building will be sited in a similar position to the existing although it will be set forward by approximately 3.4m. The new building will have a footprint measuring approximately 15.5m x 15.5m and will comprise two linked blocks of accommodation set either side of a central circulation space and with a four storey pitched roof element to one side and a lower three storey hipped roof block to the other side. The overall maximum ridge height will be 12.3m. The design will incorporate full height gable details on all elevations and with projecting balconies on the front elevation and recessed balconies on the rear. External finishes will be red facing brick with coloured render panels and natural slate roof. The proposed building will accommodate a basement storage area; 4 No. two bedroom apartments on the ground and first floor; 1 No. two bedroom and 1 No. 1 bedroom with study on the second floor; plus a two bedroom and study room apartment on the third floor; all designed with elderly persons in mind.

A new vehicular entrance and driveway will be formed in the north eastern frontage of the site which will give access to 14 No. car parking spaces set within the walled end of the curtilage currently utilised as a vegetable garden, plus lay-by parking spaces for disabled persons off the new driveway. The existing vehicular entrance will provide access to a proposed bin store within the front garden.

A design statement accompanies the application and is reproduced at Appendix A.

PLANNING HISTORY

Former Penarth Urban District Council 9069 – Conversion to 5 No. flats. Approved 11th August, 1971.

Former Penarth Urban District Council 9305 – Erection of 5 No. garages. Approved 17th April, 1972.

Former Penarth Urban District Council 9350 – Extension to bathroom. Approved 15th May, 1972.

05/01766/PND – Prior notification for demolition. Notification period expires 9th December, 2005.

05/01430/FUL – Demolition of existing house and garage block and construction of new 8 No. apartment blocks with associated landscaping and car parking. Refused 15th December, 2005 for the following reason:

- (1) In the opinion of the Local Planning Authority the proposed development represents an unacceptable quality of design that seeks to replace an existing building which, contributes to the established character of the area, with a new building the size, scale, massing and form of which would appear as an intrusive and incongruous feature within the street scene and detract from the residential amenities of neighbouring occupiers. The proposal is therefore contrary to Strategic Policy 2 and Policies ENV15, ENV25, HOUS2, HOUS9 and HOUS12 of the Vale of Glamorgan Unitary Development Plan 2005; Supplementary Planning Guidance on Amenity Standards; and national guidance contained within Planning Policy Wales March, 2002 and TAN12: Design.

CONSULTATIONS

Penarth Town Council - Comments awaited.

Environment Agency Wales - Have submitted their "Standard Advice" Guidance Note for Developers only.

Dwr Cymru/Welsh Water – Were notified on 14th March, 2006.

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

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 14th March, 2006. In addition, a site Notice was posted on 21st March, 2006. Letters of objection have been received from the occupiers of Nos. 39, 60, 62, 68, 70 and 84 Victoria Road, No. 6 Brecon House and No. 22 Archer Road. Whilst all of the representations are available on file for Committee Members' inspection, the letters from the occupiers of Nos. 68 and 70 Victoria Road are reproduced at Appendix B as being generally indicative of the points raised. In summary, however, the main points of concern relate to loss of existing building with historic significance; over-scaled building out of keeping with the area; increased traffic; intensification of noise and disturbance to neighbours; loss of privacy and loss of light.

REPORT

It will be noted from the planning history that this is a revised application following a recent refusal in December last year for the demolition of the existing building and redevelopment of the site for a new apartment block. The current application still proposes the complete demolition of the existing building but instead of eight apartments, the proposal now provides for seven flats.

The application site is located approximately 115m outside of the boundaries of the Penarth Conversation Area. The property does lie within the residential settlement boundary for Penarth as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 (UDP). As such, as with the previously refused application, the following policy background is relevant to the assessment of the proposed development.

Strategic Policy 2 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 (UDP) refers to sustainable development and states:

PROPOSALS WHICH ENCOURAGE SUSTAINABLE PRACTICES WILL BE FAVOURED INCLUDING:

- (i) PROPOSALS WHICH CONTRIBUTE TO ENERGY CONSERVATION OR EFFICIENCY, WASTE REDUCTION OR RECYCLING; POLLUTION CONTROL; BIODIVERSITY AND THE CONSERVATION OF NATURAL RESOURCES.
- (ii) PROPOSALS WHICH ARE LOCATED TO MINIMISE THE NEED TO TRAVEL, ESPECIALLY BY CAR AND HELP TO REDUCE VEHICLE MOVEMENTS OR WHICH ENCOURAGE CYCLING, WALKING AND THE USE OF PUBLIC TRANSPORT.
- (iii) THE RECLAMATION OF DERELICT OR DEGRADED LAND FOR APPROPRIATE BENEFICIAL USE; AND
- (iv) PROPOSALS WHICH IMPROVE THE QUALITY OF THE ENVIRONMENT THROUGH THE UTILISATION OF HIGH STANDARDS OF DESIGN.

Policy ENV17 of the Unitary Development Plan relates to the protection of the built and historic environment and states:

THE ENVIRONMENTAL QUALITIES OF THE BUILT AND HISTORIC ENVIRONMENT WILL BE PROTECTED. DEVELOPMENT WHICH HAS A DETRIMENTAL EFFECT ON THE SPECIAL CHARACTER, APPEARANCE OR SETTING OF:

- (i) A BUILDING OR GROUP OF BUILDINGS, STRUCTURES OR SITE OF ARCHITECTURAL OR HISTORIC INTEREST, INCLUDING LISTED BUILDINGS AND CONSERVATION AREA.
- (ii) SCHEDULED ANCIENT MONUMENTS AND SITES OF ARCHAEOLOGICAL AND/OR HISTORIC INTEREST.
- (iii) DESIGNATED LANDSCAPES, PARK OR GARDENS OF HISTORIC, CULTURAL OR AESTHETIC IMPORTANCE

WILL NOT BE PERMITTED.

Policy ENV27 refers to the design of new development and is a criteria based Policy that states:

PROPOSALS FOR NEW DEVELOPMENT MUST HAVE FULL REGARD TO THE CONTEXT OF THE LOCAL NATURAL AND BUILT ENVIRONMENT AND ITS SPECIAL FEATURES. NEW DEVELOPMENT WILL BE PERMITTED WHERE IT:

- (i) COMPLEMENTS OR ENHANCES THE LOCAL CHARACTER OF BUILDINGS AND OPEN SPACES.
- (ii) MEETS THE COUNCIL'S APPROVED STANDARDS OF AMENITY AND OPEN SPACE, ACCESS, CAR PARKING AND SERVICING.
- (iii) ENSURES ADEQUACY OR AVAILABILITY OF UTILITY SERVICES AND ADEQUATE PROVISION FOR WASTE MANAGEMENT.

- (iv) MINIMISES ANY DETRIMENTAL IMPACT ON ADJACENT AREAS.
- (v) ENSURES EXISTING SOFT AND HARD LANDSCAPING FEATURES ARE PROTECTED AND COMPLEMENTED BY NEW PLANTING, SURFACE OR BOUNDARY FEATURES.
- (vi) ENSURES CLEAR DISTINCTION BETWEEN PUBLIC AND PRIVATE SPACES.
- (vii) PROVIDES A HIGH LEVEL OF ACCESSIBILITY, PARTICULARLY FOR PUBLIC TRANSPORT, CYCLISTS, PEDESTRIANS AND PEOPLE WITH IMPAIRED MOBILITY.
- (viii) HAS REGARD TO ENERGY EFFICIENCY IN DESIGN, LAYOUT, MATERIALS AND TECHNOLOGY; AND
- (ix) HAS REGARD TO MEASURES TO REDUCE THE RISK AND FEAR OF CRIME.

Policy HOUS2 of the Unitary Development Plan allows for small scale redevelopment within the Penarth settlement boundary this is subject to the residential development criteria outlined in Policy HOUS8. This states:

- (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 GUIDELINE.
- (6) ADEQUATE COMMUNITY AND UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED.

In addition, Policy HOUS11 refers to residential privacy and space and states:

EXISTING RESIDENTIAL AREAS CHARACTERISED BY HIGH STANDARDS OF PRIVACY AND SPACIOUSNESS WILL BE PROTECTED AGAINST OVER DEVELOPMENT AND INSENSITIVE OR INAPPROPRIATE INFILLING.

The Council also has Supplementary Planning Guidance on Amenity Standards which contains Policies not only in relation to the quantity and quality of amenity space but also highlight issues of privacy, overshadowing and visual amenity. Policy 3 of the Supplementary Planning Guidance states:

“The construction of new residential development must respect the character of existing residential development, whilst ensuring that the privacy and amenity of surrounding properties are safeguarded.”

This guidance follows national Policies as contained in Planning Policy Wales March, 2002. Paragraph 9.3.3 and 9.3.4 state:

“9.3.3 Insensitive infilling or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area’s character and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

9.3.4 In determining applications for new housing, Local Planning Authorities should ensure that the proposed development does not damage an area’s character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.”

Additional national guidance is contained in Policy TAN12: Design. One of the principles embodied in the guidance is the issue of a sustainable approach to design and new development. The guidance highlights how the design of new development should meet stated objectives and respond to local context and examine such issues as:

“Scale of development in relation to surroundings, including height and bulk; how the massing of the proposal contributes to the existing hierarchy of development to reinforce character; how the mass and height impacts on privacy, sunlight and microclimate; and how height impacts on the attractiveness and safety of neighbouring public space.”

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

This revised proposal, like the recent refusal, still entails the loss of the existing Edwardian house which, whilst the Council accepts that its demolition does not require planning permission, nevertheless, has some architectural and historic merit and contributes to the character of Victoria Road. It is noted that a number of unfortunate alterations have been made to the original building, however, it is considered that the existing structure is not beyond retention, restoration and repair. Such a design approach would be more in keeping with the objectives of sustainability in both Policy TAN12 and the Council's adopted Unitary Development Plan, in particular Strategic Policy 2 and criterion (i) of Policy ENV17.

On the issue of the design of the new development, it is noted that the main changes in the revised application relate to the reduction of the number of apartments from eight to seven and the reduction in the height of the one wing of the new building from four storeys to three storeys. The overall ridge height of the building remains at 12.3m. The design philosophy still remains the same and the Council would continue to question the content of the supporting Design Statement which is very similar to that submitted with the earlier refused application.

The stated design philosophy is again that the “new design has been based on the scale, style and character of the older existing properties in the area,” and once again it is clearly not the case. Whilst the revised scheme has served to reduce some of the bulk of the replacement building, nevertheless it is still considered that the overall scale, mass and form of the new building bears no relationship to either the existing building on the site or any of the surrounding properties, including the three storey modern blocks of flats on the opposite side of Victoria Road. It is considered that the revised proposal still represents a significant increase in the size and scale of the new build, which is still apparent from the submitted comparison Drawing No. PA049/033, and would be even more evident if a similar comparison drawing for the side elevation was produced.

The revised scheme still incorporates balcony details into the development, and whilst the modern flatted development on the opposite side of Victoria Road does incorporate balconies as part of the original design, nevertheless such features are not characteristic of the traditional older properties in the street. This therefore is in direct conflict with the stated design philosophy of basing the new development on the scale, style and character of the older existing properties.

Thus it is considered that the revised proposal still fails to respond to its context and would appear as a grossly over scaled development entirely out of keeping with the local character of buildings and spaces.

With regard to the impact of the proposal on neighbouring occupiers, it is noted that the revised scheme has omitted projecting balconies on the rear elevation and some habitable room windows on the side elevations. It is considered, however, that this has done very little to overcome the previous objections on the grounds of un-neighbourliness and, indeed, a number of neighbouring occupiers have reiterated their earlier objections to the proposed development. These objections refer specifically to loss of privacy, loss of light and an increase in general noise and disturbance from the greater density of development. It is considered that these objections are still substantiated on the revised application.

Whilst the revised scheme has omitted projecting balconies on the rear elevation, these are still proposed on the front elevation and their position will allow overlooking of the front elevations of neighbouring houses. Even with the omission of projecting balconies on the rear elevation, it is still considered that the recessed balconies, with their number and scale, will adversely impact on the privacy of neighbouring occupiers. It is also noted that there are still bedroom and study windows proposed in the side elevations. In addition to the impact on levels of privacy, it is considered that the revised scheme is still of such a height and massing that it will result in additional overshadowing of neighbouring houses over and above the existing situation as well as still appearing overbearing.

Furthermore, whilst the revised proposal has reduced the number of units and level of accommodation, it still represents an increase from the existing situation of 3 No. two bedroom and 2 No. one bedroom flats to 5 No. two bedroom and 1 No. three bedroom (including studies). The revised scheme still provides for the creation of a new driveway and car parking area the subsequent use of which, at all times of the day, will significantly detract from the quiet enjoyment of the neighbouring properties.

As previously noted with the earlier application, the opposite side of Victoria Road is characterised by small scale blocks of flats and again a number of the letters of representation make it clear that the majority of the properties on the application side of the road are still occupied as single dwelling family homes. Thus it is considered that the proposal represents a UN-neighbourly form of development contrary to the objectives of Policies HOUS8, ENV27 and the 'Amenity Standards' of the Supplementary Planning Guidance.

In respect of the highway issues, it is noted that this revised scheme still proposes the creation of a new vehicular access, although this has been increased in width to 4.5m to accord with the highway requirements indicated on the previous application. The Council's Highway Engineer has confirmed that there are no objections to the proposal subject to the provision of the proposed car park and a requirement for the existing highway verge tree to be removed to facilitate visibility. The requirement in the previous application to contribute £3,000 towards the upgrade of existing public transport facilities in the area is no longer considered justified due to the reduction in number and level of accommodation proposed. It is considered however that the loss of this substantial, mature tree would have a significant detrimental impact on the visual amenities of the area.

In conclusion, it is considered that the revised proposal will still result in the loss of an existing building that, within the context of other Edwardian houses in the vicinity, contributes to the character of the area. Its replacement still fails to respect the environs of the site and the overall scale and poor design will be out of keeping with the surrounding development and would adversely affect residential amenities.

In view of the above the following recommendation is made.

04317

RECOMMENDATION (W.R.)

REFUSE

1. In the opinion of the Local Planning Authority, the proposed development represents an unacceptable quality of design that seeks to replace an existing building which contributes to the established character of the area, with a new building the size, scale, massing and form of which would appear as an intrusive and incongruous feature within the street scene and detract from the residential amenities of neighbouring occupiers. The proposal is therefore contrary to Strategic Policy 2 and Policies ENV17; ENV27; HOUS2; HOUS8 and HOUS11 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011; Supplementary Planning Guidance on Amenity Standards and national guidance contained within Planning Policy Wales March, 2002 and TAN12: Design.

R. Morgan & A. Summers, Treetops, Nash, Vale of Glamorgan. CF71 7NS
R. Morgan & A. Summers, Treetops, Nash, Vale of Glamorgan. CF71 7NS

Treetops, farmyard, Nash

Removal of dutch barns and construction of two, two storey detached family houses

SITE DESCRIPTION

The application site relates to a small enclosed yard comprising of a large modern farm building along the northern boundary. The site is located immediately to the east of a detached dwelling known as Treetops located in the small rural hamlet of Nash some 150 metres to the west of the main Llantwit Major to Llysworney Road (B4270) and to the south west of the village of Llysworney.

The site itself is roughly rectangular in shape with a road frontage and width of 40 metres by a depth of 60 metres. The site is bounded by agricultural land along its northern and eastern elevation. The existing farm buildings are currently in use for storage of agricultural machinery and the buildings appear to be in a good state of repair.

DESCRIPTION OF DEVELOPMENT

This is an outline application with all matters reserved for the demolition of the existing barns and the construction of two, two storey detached family houses.

PLANNING HISTORY

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

CONSULTATIONS

Llandow Community Council - Were consulted on 5th April, 2006 and to date no comments have been received.

The Head of Visible Services (Highways Development) - Has made the following comments:

“Further to the site inspection undertaken in relation to the above application, I would comment that in order to undertake a formal assessment of the development proposals, details of the proposed means of access including visibility along the adjacent highway is required to be submitted to the Highway Authority for consideration. Furthermore, details of how the adjoining fields to the development site will be accessed if the dwellings are constructed are also required to be submitted.”

Environment Agency Wales – Were consulted on the application and comment as follows:

“The Agency does not accept the promotion or proliferation of cesspools as a viable long term sewerage option, in view of the potential environmental, amenity or public health problems arising from inadequate operation and maintenance. The DETR Circular 03/99 Welsh Office Circular 10/99 ‘In Respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development’ also discourages the use of cesspools and provides a hierarchy of drainage options that should be considered before the use of cesspools is considered. The use of public foul sewer, private sewage treatment plant (which can be offered up for adoption to the Sewerage Undertaker) or septic tank should be considered as a more sustainable method of foul drainage disposal. The applicant must complete a full foul drainage assessment which proves to the Local Planning Authority’s satisfaction that the use of cesspools is unavoidable.

If a cesspool is considered as the only viable option the Local Planning Authority the Agency requests that the following condition is applied:

Condition:

All foul drainage shall be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying. No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works including emptying has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before the development is occupied.

Reason:

To prevent pollution of groundwater.”

Dwr Cymru/Welsh Water -Were consulted on the application and to date no comments have been received. However as in the previous applications, as the applicant intends to utilise private drainage facilities, Dwr Cymru/Welsh Water would in any case not have any formal comments to make on this matter.

REPRESENTATIONS

Neighbouring residential properties were consulted on 5th April, 2006 and to date no letters of representation have been received.

REPORT

The application site is located adjacent to a residential curtilage however the site does not fall within a residential settlement boundary and as such is classified as falling within the countryside.

The proposal relates to the construction of new houses in the countryside and as such the relevant policy in assessing this application is Policy ENV1 (Development in the Countryside) contained in the Vale of Glamorgan Adopted Unitary Development Plan 2006 - 2011. This policy states that 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 HOUS3 relates more specifically to dwellings in the countryside and states:

Subject to the provisions of Policy HOUS2 the erection of new dwellings in the countryside will be restricted to those that can be justified in the interests of agriculture and forestry.

The proposal should also be judged against national guidance concerning the erection of new dwellings in the countryside. The relevant guidance contained with Planning Policy Wales (March 2002) is as follows:

(para. 2.5.7) Development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, but new building in the open countryside away from existing settlements or areas allocated for development in UDPs must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

*(para. 9.2.18) In planning for **housing in rural areas** it is important to recognise that development in the countryside should embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment... In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside away from existing settlements recognised in UDPs, or from other areas allocated for development, must be strictly controlled... "Many parts of the countryside have isolated groups of dwellings. Sensitive filling-in of small gaps, or minor extensions to such groups, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages."*

(para. 9.3.1) New housing developments 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.

(para. 9.3.6) New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.

The application site whilst located in the countryside is located adjacent to an existing dwelling which forms one of several dwellings comprising of the small rural hamlet of Nash. Paragraph 9.2.18 of Planning Policy Wales (March 2002) makes reference to isolated groups of dwellings in the countryside and states that *“sensitive filling-in of small gaps, or minor extensions to such groups, may be acceptable”*, it adds that *“this depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages.”*

It is considered that the proposal for the construction of two detached dwellings would not constitute infill within an isolated group of dwellings and would result in a significant extension of what is a small group of sporadically located dwellings within the countryside. Furthermore the application site would be 900 metres from the nearest settlement of Lysworney and as such given the absence of any direct public footpath links to the village the proposed dwelling would be highly dependant on car use. As such the proposal is not considered to be located in a sustainable location.

Whilst the application is submitted in outline, the construction of two, two storey dwellings would be visible from the single track lane with a developed frontage of some 40 metres width. Furthermore it is also likely that the dwellings could be glimpsed from the main road (B4270) at its junction with Cowbridge. Any residential development of the site would cause unacceptable harm to the rural character of the site and wider locality.

In terms of access arrangements, whilst the application is submitted in outline, the Head of Visible Services has requested details of the proposed means of access including visibility along the adjacent highway including the submission of details of how the adjoining fields to the development site will be accessed if the dwellings are constructed. Given that the proposal is contrary to Policies ENV1 and HOUS3 of the above referenced adopted plan, no further details have been requested in relation to highway matters.

In light of the above, this outline application for the construction of two new dwellings in the countryside would both breach and undermine policies which seek to guard against unacceptable and unjustified development in the countryside, where no special justification exists to justify a departure from such a policy presumption. The following recommendation is therefore made.

04319

RECOMMENDATION (W.R.)

REFUSE

1. The proposal represents an unjustified form of residential development in the countryside which would also cause demonstrable harm to the character and appearance of the countryside. It is therefore contrary to Policies ENV1 (Development in the Countryside) and HOUS3 (Dwellings in the Countryside) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and to guidance contained within Planning Policy Wales 2002.

Mr. W. T. Edwards, 17, Oak Street, Aberkenfig, Bridgend, Mid Glamorgan.
Mr. W. T. Edwards, 17, Oak Street, Aberkenfig, Bridgend, Mid Glamorgan.

Old Frampton Service Reservoir, Llantwit Major

Erection of 1 no. dwelling

SITE DESCRIPTION

The application site is located within the countryside to the north of Llantwit Major. It was formerly occupied by a service reservoir but is now overgrown by vegetation including several trees.

DESCRIPTION OF DEVELOPMENT

This is an outline application, with all matters reserved for subsequent detailed approval, for the erection of a dwelling. The applicant has submitted a statement in support of the application which is reproduced at Appendix A.

PLANNING HISTORY

None on application site, however the following application was submitted for land immediately to the south:

86/00214 – New dwelling, refused on 22nd April, 1986 on grounds of unjustified new dwelling in the countryside leading to despoliation of the countryside.

CONSULTATIONS

Llantwit Major Town Council - Were notified on 31st March, 2006. Comments awaited.

Environment Agency Wales – “As your Authority is aware, part of the site lies within Zone C2, as defined by the development advice maps (dam) referred to under TAN15 Development and Flood Risk (July 2004).

In accordance with guidance contained within TAN15, the development category is regarded as “highly vulnerable development”. The TAN guidance is that such development should not be permitted within Zone C2. The Environment Agency therefore expects your Authority to refuse the application. Such stance would be fully supported by the Environment Agency Wales.

In consideration of the above, this stance could change if the application site boundary was amended to exclude that area identified as Zone C2. Alternatively, should the applicant pursue the site as submitted then it will need to be demonstrated by the submission of an appropriate assessment of flooding consequences that the total site of the application is outside of the extreme flood outline. Should the assessment prove however that the site is within the extreme flood outline then the application should be refused.

If, contrary to the requirements of TAN15, your Authority is minded to go against this advice, Environment Agency Wales should be informed of all matters that influence this decision, prior to granting consent, allowing sufficient time for further representations to be made.

In addition, it should be noted that the Agency is required to report to the Welsh Assembly Government those instances in which recommendations for refusal on grounds of flood risk, have not been accepted by Local Planning Authorities. Therefore, if planning permission is granted the Authority will be required to provide the Agency with a copy of the Committee report, relevant Committee minutes and the decision notice.

Notwithstanding the above, should this application proceed further clarification is required whether this development site is situated above an existing reservoir. If possible, a map should be provided showing the outline of the reservoir, its proximity to the proposed development and also where the proposed cesspit is to be situated.”

Dwr Cymru/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

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

REPRESENTATIONS

The occupiers of nearby properties were notified on 31st March, 2006. In addition a site notice was posted on 31st March, 2006. No representations have been received to date.

REPORT

The site is located in the countryside well outside the residential settlement boundary defined for Llantwit Major in the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011. As such the following policy background is relevant to the assessment of the application.

Policy ENV1 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 (UDP) refers to development in the countryside and 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 ENV7 of the UDP relates to water resources and states:

RIVER, OTHER INLAND WATERS AND UNDERGROUND WATER RESOURCES, WILL BE SAFEGUARDED. DEVELOPMENTS WHICH IMPROVE THE WATER ENVIRONMENT OR HELP TO PREVENT FLOODING WILL BE FAVOURED. DEVELOPMENT WILL BE PERMITTED WHERE IT WOULD NOT:

- (i) HAVE AN UNACCEPTABLE EFFECT ON THE QUALITY OR QUANTITY OF WATER RESOURCES OR ON FISHERIES, NATURE OR HERITAGE CONSERVATION, RECREATION OR OTHER AMENITY INTERESTS RELATED TO SUCH WATERS.

OR

- (ii) BE POTENTIALLY AT RISK FROM FLOODING, OR INCREASE THE RISK OF FLOODING LOCALLY OR ELSEWHERE TO AN UNACCEPTABLE LEVEL.

Policy ENV11 refers to the protection of landscape features and states:

DEVELOPMENT WILL BE PERMITTED IF IT DOES NOT UNACCEPTABLY AFFECT FEATURES OF IMPORTANCE TO LANDSCAPE OR NATURE CONSERVATION, INCLUDING: TREES, WOODLAND, HEDGEROWS, RIVER CORRIDORS, PONDS, STONE WALLS AND SPECIES RICH GRASSLANDS.

This policy is supported by the adopted Supplementary Planning Guidance on Trees and Development which requires a comprehensive land and tree survey with applications affecting trees and woodland.

Policy HOUS3 of the UDP refers more specifically to dwellings in the countryside. The Policy restricts the erection of new dwellings in the countryside to those justified in the interests of agriculture and forestry. The supporting text to the Policy goes on to state:

The policy restricts the erection of new dwellings in the countryside to those justified in the interests of agriculture and forestry. The supporting text to the policy goes on to state:

“New housing outside villages and towns often create unacceptable intrusions into the rural landscape. New dwellings in the countryside can also place an unacceptable burden on local services.”

Indeed Strategic Policies 2 and 8 of the Unitary Development Plan refer to the issue of sustainability. Policy 2 states:

PROPOSALS WHICH ENCOURAGE SUSTAINABLE PRACTICES WILL BE FAVOURED, INCLUDING:

- (i) PROPOSALS WHICH CONTRIBUTE TO ENERGY CONSERVATION OR EFFICIENCY, WASTE REDUCTION OR RECYCLING; POLLUTION CONTROL; BIODIVERSITY AND THE CONSERVATION OF NATURAL RESOURCES;

- (ii) PROPOSALS WHICH ARE LOCATED TO MINIMISE THE NEED TO TRAVEL, ESPECIALLY BY CAR AND HELP TO REDUCE VEHICLE MOVEMENTS OR WHICH ENCOURAGE CYCLING, WALKING AND THE USE OF PUBLIC TRANSPORT;
- (iii) THE RECLAMATION OF DERELICT OR DEGRADED LAND FOR APPROPRIATE BENEFICIAL USE; AND
- (iv) PROPOSALS WHICH IMPROVE THE QUALITY OF THE ENVIRONMENT THROUGH THE UTILISATION OF HIGH STANDARDS OF DESIGN.

Whilst Policy 8 relates to transportation and states:

DEVELOPMENTS WILL BE FAVOURED IN LOCATIONS WHICH:

- (i) ARE HIGHLY ACCESSIBLE BY MEANS OF TRAVEL OTHER THAN THE PRIVATE CAR; AND
- (ii) MINIMISE TRAFFIC LEVELS AND ASSOCIATED UNACCEPTABLE ENVIRONMENTAL EFFECTS.

The above policies are supported by national guidance. Planning Policy Wales March 2002 recognises the importance of the natural heritage of Wales and the need to conserve and improve it:

“The natural heritage is not confined to statutorily designated sites but extends across all of Wales – to urban areas, the countryside and coast. Attractive and ecologically rich environments are important, both for their own sake and for the health and the social and economic well being of individuals and communities. Biodiversity and landscape are important in the economic life of many communities and the quality of the environment is often a factor in business location decisions.”

In respect of new house building within the countryside, paragraph 9.3.6 of Planning Policy Wales states:

“New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission, such permissions could be granted too often, to the overall detriment of the character of an area. Isolated new houses in the open countryside require special justification, for example, where they are essential to enable farm or forestry workers to live at or close to their place of work in the absence of nearby accommodation. Agricultural needs cannot justify the provision of new dwellings as retirement homes for farmers.”

Despite the argument put forward in the applicant’s supporting statement the proposal clearly does not comply with either Council policy or national guidance. The fact that the applicant is a retired farm worker who needs to live close to family in the Llantwit Major area is not justification to allow an exception to the above policies and guidance. It is also considered that the “material considerations” put forward in the applicant’s statement as reasons why the Council should override the policy stance in this instance do not justify such an exception.

The construction of a new dwelling on the site will not be invisible within the landscape. Although a former reservoir there is now very little evidence of that use as the land has become overgrown by vegetation and trees and now blends into the landscape forming part of the natural surroundings of this rural location. The proposal will result in the loss of the landscape coverage and the provision of an acceptable vehicular access, car parking and domestic garden curtilage with enclosure will all serve to urbanise the site and detract from the rural character.

Contrary to the applicants planning statement, part of the site does lie within an identified flood risk Zone C2. In line with TAN15 Development and Flood Risk (July 2004) the Environment Agency has advised that the application should be refused as the development category is regarded as highly vulnerable development and should not be considered in Zone C2 locations.

In conclusion, it is considered that there is no justification to allow the construction of a new dwelling in this countryside location contrary to Council policy and national guidance. The proposal will cause demonstrable harm to the rural character of the site and its surroundings.

In view of the above the following recommendation is made.

04323

RECOMMENDATION (W.R.)

REFUSE

1. In the opinion of the Local Planning Authority the proposal represents an unjustified and unsustainable new dwelling in the countryside that will detract from the rural character of the area contrary to Strategic Policies 2 and 8 and Policies HOUS3, ENV1 and ENV11 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011; Supplementary Planning Guidance on Trees and Development and national guidance contained in Planning Policy Wales 2002.
2. The proposal represents highly vulnerable development which should not be considered within an identified flood risk Zone C2 and is therefore contrary to Policy ENV7 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and national guidance contained in TAN15 - Development and Flood Risk (July 2004).

Director of Community Services, Dock Office, Barry, Vale of Glamorgan. CF63 4RT
Property Division, Vale of Glamorgan Council, 2nd floor, Civic Offices, Holton Road, Barry. CF63 4RU

29, Holton Road, Barry

Internal alterations to existing shop to create a drug intervention centre (Minute No. 1979, May 2002)

SITE DESCRIPTION

The application site relates to an existing B1 office use premises situated outside the designated primary shopping area of Holton Road in Barry. The fronting highway has a one-way system and the majority of shops within the shopping area are A1 retail use.

DESCRIPTION OF DEVELOPMENT

The application seeks permission for a change of use to alter the existing B1 office use to a C2 Drug Intervention Centre. The floor plans show some slight alterations to the existing floor plans with the inclusion of interview rooms and treatment rooms as well as a client entrance to the rear of the building.

PLANNING HISTORY

04/01678/REG3 – Replacement shop front to include disabled access and change of use to B1 office use. Approved 7th January, 2005.

CONSULTATIONS

Barry Town Council 3rd March, 2006 – The Town Council are willing to support the application in principle despite concerns regarding an over concentration of such facilities in a small geographical area.

The application also raises concerns in respect of adverse impact on local residential amenity, local businesses and local community activities e.g. the regular use of the pioneer hall by children. It is hoped therefore that any consent will be conditioned including the hours of operations, installation of CCTV and the provision of an alleygate immediately west of the premises.

The Director of Legal and Regulatory Services (Environmental Health) 3rd March, 2006 – This department has no comments.

Highways Authority 1st March, 2006 – No objection.

REPRESENTATIONS

Nos. 31, 27, 31C, 33, 24, 26 and 28 Holton Road, 1, Lombard Street and Salem Baptist Church were notified on 3rd March, 2006.

Site Notices posted on 23rd March, 2006 and 3 letters of representation have been

received to date. The letters object to the use of the unit as a drug intervention centre and the impact upon the surrounding residential areas through parking problems. One letter was received from a neighbouring optician who is fearful of the use and the impact it could have upon the client base of her business.

Seven 'standard' letters of objection have also been received, and one such letter is attached at Appendix A. In addition, a petition against the proposal has also been received, required by 122 local residents. The front, sample page of this petition is attached at Appendix B.

All correspondence received is retained on file for the inspection of Members.

REPORT

The application site relates to an existing B1 office use located outside the designated primary shopping area of Holton Road in Barry, but within the Town centre. As such, the relevant policies to the application relate to ENV27 – Design of New Development and ENV28 – Access for Disabled People of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011.

The proposal lies outside the designated primary shopping area for Holton Road, Barry and no specific policy within the Unitary Development Plan relates to the proposed use. As such, in principle the change of use is considered acceptable and there are no clear policy objections to the proposed drug intervention centre.

The plans do not show any major material changes to the external appearance of the existing building and the existing shop has a disabled access that was approved in 2004. The only changes relate to internal alterations and a client entrance to the rear of the shop (for client confidentiality). These changes are considered to be acceptable in planning terms and the proposal complies with both ENV27 and ENV28 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011. Furthermore, with regard to the representations made, it is considered that a community facility such as this is located appropriately within the Town centre given the accessibility to the unit by a wide range of transport modes.

Furthermore, the unit has proposed normal opening hours of 09:00 until 17:00 seven days a week, which suggests that the intervention centres opening hours should not result in any further impact upon the surrounding residential amenity than the existing units in the immediate vicinity along Holton Road. A condition will therefore be imposed to ensure the opening hours are restricted to 09:00 until 17:00.

The Council as Highway Authority has no objections to the proposal. It is considered that the proposed use of the development site will not increase demand for on street parking or generate additional traffic over the existing use. In addition, the proposal is within the Town centre and therefore has a good public transport system near to the site. With respect to Environmental Health, there are objections to the proposed change of use.

As such, subject to the following conditions, the recommendation is for approval.

RECOMMENDATION

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

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

Reason:

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

2. These premises shall not be open and no clients shall be permitted on the premises outside the following hours:

09:00 hours to 17:00 hours Monday to Sunday.

Reason:

To safeguard the amenities of the surrounding residents.

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.

Property Division, Vale of Glamorgan Council, Civic Offices, Holton Road, Barry.
CF63 4RU
Don Mitchell Associates, 39, High Street, Cowbridge, Vale of Glamorgan. CF71
7AE , ,

Rhose Community Centre, Stewart Road/Station Road, Rhose

Variation to approval 05/01652/REG3

SITE DESCRIPTION

The application site relates to Rhose Community Centre located between Stewart Road and Havant Close off Station Road, some 100 metres to the north of the Rhose Interchange. The existing hall is set back some 20 metres from Station Road between which the main car park serving the hall is located and accessed off Stewart Road.

The site is bounded along its north western (rear) elevation by a children's playground.

DESCRIPTION OF DEVELOPMENT

This application is submitted as an amendment to a recently approved application under ref. 06/00335/REG3 for an extension of the Community Centre to provide youth facilities.

The amended scheme now seeks to reduce the length of the previously approved extension. The extension will be sited along the south western elevation of the building fronting Havant Close and will form a continuation of the existing single storey building, being 9.2 metres in length by a width of 5.9 metres with eaves and ridge heights forming a continuation of the existing building.

The south-west elevation fronting Havant Close will be served by three ventilated rooflights. The gable end will be served by a fire escape door and two high level windows. The principal entrance serving the extension will be from the paved internal courtyard area and via an interconnecting door into the adjacent hall.

The building will be finished in facing brickwork and roof tiles to match the existing building.

PLANNING HISTORY

The site has been subject to the following relevant planning applications:

05/01652/REG3 - Extension to Rhose Community Centre. Deemed planning consent granted on 12th January, 2006, subject to conditions.

99/00913/FUL - Temporary change of use to surgery. Approved 17th September, 1999, subject to conditions.

CONSULTATIONS

The Head of Visible Services (Highways Department) – Was consulted and has made the following comments:

“Further to the site inspection undertaken in relation to the above application, I would comment that the proposed youth facility will be associated with the existing use at the development site and will not create additional demand for parking above the existing use. Furthermore, the Community Centre currently provides on site parking facilities, which has available capacity during the day and evening times for the use of visitors.

As the proposed facilities will serve the local community, which has a significant catchment area within walking and cycling distance of the community centre, the Highway Authority are unable to sustain an objection to the development proposals.”

REPRESENTATIONS

Adjoining residential occupiers were notified but to date no letters of representation have been received.

REPORT

This is an application made under Regulation 3 of the Town and Country Planning (General Regulations) 1992, by the Director of Finance, ICT and Property.

Members of the Committee will recall that planning permission ref. 05/01652/REG3 was granted in January 2006. Therefore the principle of development has already been approved at the site.

As previously considered the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 (UDP) supports the retention of community facilities in rural settlements and villages in terms of Policy COMM5. For the purposes of this policy community facilities are defined as services, which seek to primarily meet the needs of the rural communities. Facilities such as Village Shops, Post Offices, Churches, Community Halls and Public Houses provide an important service in rural areas and help engender a sense of community.

Furthermore, the proposal should also be assessed against Policy ENV27 - Design of New Developments. This policy states that proposals for new development must have full regard to the context of the local natural and built environment and its special features; complements or enhances the local character of buildings and open spaces; meets the Council's Approved Standards of amenity and open space, access, car parking and servicing and minimises any detrimental impact on adjacent areas.

The construction of an extension to the Community Centre and provision of dedicated youth facilities will comply with the aims and objectives of Policy COMM5. The proposed extension to the hall whilst of a reduced length than the previously approved scheme will still consolidate and round off the footprint of the hall and will be contained within the existing grounds of the hall and will not encroach into the adjacent playground. The proposal will form a continuation of the building line of the existing hall and, being set back from the highway behind the parking area for the flats at Havant Close, will have little impact on the street scene. Materials and finishes are also considered acceptable as they will match

the existing hall.

With regard to privacy on the amenities of nearby occupiers, the flats in Havant Close are some 30 metres from the proposed extension. Whilst the approved scheme contained a high level overlooking Havant Close, the current scheme omits this window and as such the proposal will have no impact on the privacy of any nearby occupiers.

In terms of highway issues, the Head of Visible Services (Highways Department) has stated that the proposal will have little effect on traffic generation to and from the site and the Community Centre currently provides on site parking, which has available capacity during the day and evening times for the use of visitors. Furthermore, it should also be noted that the proposed facilities will serve the local community, with a significant catchment area within walking and cycling distance of the Community Centre. Therefore the Highway Authority has not objected to the application.

To conclude the following recommendation is therefore made.

RECOMMENDATION

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

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

Reason:

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

2. The external finishes of the development hereby approved shall match those of the existing building.

Reason:

To safeguard local visual amenities.

3. The permission hereby granted shall relate to the amended plans, reference AL(00)03 C and AL(00)06 A received by the Local Planning Authority on 22nd March, 2006.

Reason:

For the avoidance of doubt.

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.

Vale of Glamorgan Council, (for John Dent), Dock Office, Barry Docks, Barry.
CF63 4RT
PB Limited, (Dr. Daniel Griffith), 29, Cathedral Road, Cardiff. CF11 9HA

North abutment railway embankment adjacent to Thompson Street/Dock View Road, south abutment ST 1193, 6782, ST 1197 6781, ST 1197 6777, ST 1193 6777, north east corner adjacent to Redrow Holton Reach Site

Cable-stayed steel footbridge, 2 spans with reinforced concrete ramp structure at north embankment and landscaped spiral ramp embankment at south abutment

SITE DESCRIPTION

The application site comprised the north-eastern corner of a mixed development site known as Holton Reach, forming part of the comprehensive redevelopment area of the Waterfront, and lying adjacent to existing houses at Clos Peiriant, plus part of the main railway line including the embankment adjacent to the junction of Dock View Road and Thompson Street.

DESCRIPTION OF DEVELOPMENT

This is a revised application submitted under Regulation 3 of the Town and Country Planning General Regulations 1992 (Cabinet Minute No. 1385 refers) for the construction of a steel footbridge and landscaped spiral ramp. The proposed bridge will allow pedestrian access across the main railway line, linking the junction of Dock View Road and Thompson Street with the north-east corner of Holton Reach within the Waterfront comprehensive redevelopment area. The proposed bridge will have a span of approximately 47m, with an additional circular access ramp. The design of the bridge will be a single pier with suspension cables, with steel parapet to a height of 1.5m with 50% mesh infill panels away from the railway line and solid panels over the railway line. The circular access ramp will comprise brickwork faced reinforced concrete retaining walls and a 2.135m high brickwork wall to the eastern and southern boundaries. The area will be landscaped with a centrally located seating area and plinth for a proposed artwork feature.

PLANNING HISTORY

There is a considerable history of applications relating to Barry No. 1 Dock. Of particular relevance to the current application are:

94/00144/OUT – Comprehensive redevelopment of No. 1 Dock. Approved 29th May, 1997 subject to a Section 106 Legal Agreement and twenty one conditions.

98/01290/FUL – Variation of Condition Nos. 13 and 14 of ref: 94/00144/OUT to allow a food store of up to 6,041 sq.m gross, selling predominantly convenience goods. Approved 12th November, 1999 subject to conditions and subject to a Section 106 Legal Agreement relating to a £750,000 financial contribution towards works to enhance linkages with existing retail areas.

01/00352/RES – Area N2b : Residential development. Approved 25th July, 2001 subject to conditions.

04/00508/FUL – Mixed use development including residential, community facility and doctors' surgery. Approved 12th December, 2004 subject to conditions and a Section 106 Legal Agreement relating to affordable housing, public art contribution and transfer of land for open space and commuted sums.

05/01372/REG3 – Cable stayed steel footbridge and landscaped spiral ramps. Approved 17th November, 2005 subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. This consent shall relate to the following plans:
 - Drawing No. 91315A - PA01, site location plan, received 25th August, 2005;
 - Drawing No. 91315A - PA02, site plan, received 25th August, 2005.
 - Drawing No. 91315A - PA03, elevations and sections, amended plans, received 26th October, 2005.
3. Notwithstanding the submitted plans, no works shall commence on site until full engineering drawings and supporting calculations have been submitted to and approved in writing with the Local Planning Authority. The development shall be implemented in accordance with the agreed details.
4. Before the commencement of development full details of the external finishes of the bridge and ramp, including a 1:20 scale plan of the parapet, which shall be a minimum of 1.8m in height, shall be submitted to and agreed in writing with the Local Planning Authority and implemented thereafter in accordance with the approved details.
5. Full details of the proposed finished levels of the site in relation to the existing ground levels, including cross sections, in particular with the existing residential properties, shall be submitted to and agreed in writing with the Local Planning Authority before the commencement of development. The development shall be implemented thereafter in accordance with the approved details.
6. All means of enclosure associated with the development hereby approved, including retaining walls, 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. The proposed scheme shall also provide for a brick wall in place of the existing timber fence on the boundary with Clos Peirant. The approved details shall be implemented before the first beneficial use of the footbridge hereby permitted.
7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

8. 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.
9. The landscaping details referred to above shall pay particular regard to the need to provide screening to mitigate any impact on the nearby residential occupiers.

CONSULTATIONS

Barry Town Council – Were notified on 22nd March, 2006. Comments are awaited.

Network Rail – Comment as follows:

“Please note that there is no objection in principle to this proposal although it will be necessary for the completion of a formal easement authorising the creation of the new railway crossing as well as works agreement setting out the terms and conditions that need to be adhered to in connection with the construction of this new structure.

No doubt the applicant will be contacting Network Rail to discuss and agree the terms for these documents in due course.”

The Director of Legal and Regulatory Services – Was consulted on 22nd March, 2006, and comments are awaited.

The Head of Visible Services (Operational Manager Parks and Grounds Maintenance) – Was consulted on 22nd March, 2006, and comments are awaited.

The Council's Public Arts Officer – Was consulted on 22nd March, 2006, and comments are awaited.

Associated British Ports – Were consulted on 22nd March, 2006.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 22nd March, 2006. In addition the application was advertised on site and in the press on 4th April, 2006. No representations have been received to date.

REPORT

Committee Members will note from the planning history that planning permission has already been granted in November last year for the footbridge and access ramp.

This was subject to a number of conditions including full details of the external finishes, with a 1:20 scale plan of the proposed parapet to a minimum height of 1.8m. It has subsequently transpired that in engineering terms a 1.8m high parapet cannot be provided.

As a result a revised application is now submitted which also provides greater detail in relation to the levels, retaining works and landscaping.

As previously noted on the original application the site is located within the residential settlement boundary for Barry as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. The Waterfront is also an area allocated for comprehensive redevelopment for a mix of uses. The following policy background is relevant to the assessment of this revised application.

Strategic Policy 7 of the Unitary Development Plan seeks improvements to the transportation network, including schemes to encourage travel by cyclists and pedestrians.

Strategic Policy 9 aims to protect and enhance the vitality, attractiveness and viability of existing town, district and village shopping facilities.

Policy ENV27 relates to the design of new development and states:

PROPOSALS FOR NEW DEVELOPMENT MUST HAVE FULL REGARD TO THE CONTEXT OF THE LOCAL NATURAL AND BUILT ENVIRONMENT AND ITS SPECIAL FEATURES. NEW DEVELOPMENT WILL BE PERMITTED WHERE IT:

- (i) COMPLEMENTS OR ENHANCES THE LOCAL CHARACTER OF BUILDINGS AND OPEN SPACES.
- (ii) MEETS THE COUNCIL'S APPROVED STANDARDS OF AMENITY AND OPEN SPACE, ACCESS, CAR PARKING AND SERVICING.
- (iii) ENSURES ADEQUACY OR AVAILABILITY OF UTILITY SERVICES AND ADEQUATE PROVISION FOR WASTE MANAGEMENT.
- (iv) MINIMISES ANY DETRIMENTAL IMPACT ON ADJACENT AREAS.
- (v) ENSURES EXISTING SOFT AND HARD LANDSCAPING FEATURES ARE PROTECTED AND COMPLEMENTED BY NEW PLANTING, SURFACE OR BOUNDARY FEATURES.
- (vi) ENSURES CLEAR DISTINCTION BETWEEN PUBLIC AND PRIVATE SPACES.
- (vii) PROVIDES A HIGH LEVEL OF ACCESSIBILITY, PARTICULARLY FOR PUBLIC TRANSPORT, CYCLISTS, PEDESTRIANS AND PEOPLE WITH IMPAIRED MOBILITY.
- (viii) HAS REGARD TO ENERGY EFFICIENCY IN DESIGN, LAYOUT, MATERIALS AND TECHNOLOGY; AND
- (ix) HAS REGARD TO MEASURES TO REDUCE THE RISK AND FEAR OF CRIME.

Policy ENV28 relates to disable access and states:

ALL NEW DEVELOPMENT (AND WHERE PREDICTABLE, THE CHANGE OF USE OR ALTERATIONS TO BUILDINGS) OPEN TO THE PUBLIC AND BUILDINGS USED FOR EMPLOYMENT AND EDUCATION PURPOSES WILL BE REQUIRED TO PROVIDE SUITABLE ACCESS FOR CUSTOMERS, VISITORS OR EMPLOYEES WITH MOBILITY DIFFICULTIES.

In addition to the above the Council also has Supplementary Planning Guidance on Barry Development Guidelines. This identifies the Waterfront as an Area of Special Identity and has objectives which seek to fulfil the commercial and mixed use potential of the site and provide a high quality environment which will contribute towards improving Barry's image.

It also recognises the geographical severance that exists between the Docks and the Town Centre and supports the links already set up and those still needed between the Waterfront and the Town Centre:

“Strong links are needed from the Waterfront to the Town Centre. These links must be direct, broad and should accommodate generous pedestrian and cycle access.”

National guidance is contained within Planning Policy Wales, March 2002. It recognises that the co-location of retail and other services in existing centres, with enhancement of access by walking, cycling and public transport, to provide the opportunity to use means of transport other than the car, will provide the greatest benefit to communities.

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

In historical terms the construction of the footbridge link between the Waterfront and the Town Centre has been a long term objective of the Council with funding secured through a Section 106 Legal Agreement attached to planning consent reference 98/01290/FUL which allowed for an increase in the floor area of the Morrisons food store. As such the principle of the bridge is acceptable in planning terms particularly as there is an extant permission, and is a long overdue enhancement in the linkages between the town's fragmented commercial centres.

As regards the detailed design of the proposed bridge it is noted that in considering the previous application the Council were satisfied with the concept, being in keeping with the existing Gladstone Road bridge, however certain detailed information was lacking and needed to be conditioned as part of that earlier permission. It was accepted that the proposal would have an impact on the neighbouring residential occupiers and as such further information was requested regarding levels, landscaping and boundary treatment. The current application has now provided the additional details. This indicates the provision of a 2.135m facing brick wall on the boundaries with the residential properties plus shrub planting which will serve to screen the access ramp and mitigate any loss of privacy to neighbouring occupiers.

As previously noted on the original application, the land take for the bridge now includes the whole of the land dedicated for Public Open Space as part of the Section 106 Legal Agreement attached to planning consent reference 04/00508/FUL for the mixed use development of Holton Reach. However, it is recognised that the scheme provides for seating areas, landscaping and a public artwork feature all of which offers public benefits.

In conclusion, it is considered that the proposal will provide for a very significant and much needed link between the Town Centre and the Waterfront development. The overall design concept of the bridge is good with the current application providing additional information on the landscaping and retaining works.

In view of the above the following recommendation is made.

04230

RECOMMENDATION

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

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

Reason:

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

2. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details including the bridge, retaining structures, embankments, fencing, drainage (inclusive of land drainage), lighting, planting and any connecting footway/cycle ways etc. have been submitted to and approved by the Local Planning Authority.

Reason:

In the interests of highway safety.

3. Details of the materials and colour of the external finishes of the proposed boundary and retaining walls shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

Reason:

To safeguard local visual amenities.

4. 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.

Reason:

To ensure a satisfactory maintenance of the landscaped area.

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.