

5th April, 2006 Planning Committee Meeting

04/01131/FUL

Received on 20th December, 2004

Mr. D. Stephens, Pen-Y-Bryn Farm, Llanmaes, Vale of Glamorgan.
(Phillip Wynne Architect, 51, Eastgate, Cowbridge, Vale of Glamorgan. CF71 7EL)

PEN-Y-BRYN FARM, LLANMAES

Conversion of existing barns into two dwellings

SITE DESCRIPTION

The application site relates to stone built barns and farm outbuildings on land adjacent to Pen-y-Bryn Farm, Llanmaes. The buildings are currently used for general storage and machine storage although many of the buildings are vacant.

The area of the site is approximately 1395m² and lies to the north-east of the village of Llanmaes within the open countryside but outside any residential settlement boundaries and just outside the Lower Thaw Valley Special Landscape Area.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission to demolish storage units to the north and east of the horse shoe barn complex and convert the stone barns into two individual residential units. The majority of the barn complex is single storey with a pitched roof. However, there is a two-storey element to the north-east corner and single storey concrete block and corrugated roof lean-to extensions to the south-east corner of the site adjacent to the gated access into the courtyard and to the south-east end of the barn. Plot 1 is the west of the site and includes 3 No. bedrooms, an en-suite facility, a bathroom, lobby and combined kitchen/dining room. Plot 2 is to the east of the complex and includes a kitchen, dining/sitting room, 2 No. bedrooms, a bathroom and a covered car port for 2 No. parking spaces under a covered car port area at ground floor and 2 no. bedrooms with en-suite facilities and a bathroom at 1st floor level. The existing lean-to structure is to be demolished to make way for a smaller cat-slide kitchen extension. Other alterations to the fabric and appearance of the building are kept to a minimum with existing openings being re-used and a sympathetic use and siting of conservation type flush fitting rooflights. The cat-slide kitchen extension is only 6.35m wide and 2.95m deep (compared to the existing lean-to store extension of 6.2m wide and 5.5m deep) and is to be constructed of matching materials. Each unit will have three on-site parking spaces each within the internal courtyard area.

The amount of outdoor amenity space for each dwelling is in line with the Councils approved supplementary planning guidance note on Amenity Standards with both plots being provided with sufficient garden space to the north of the complex adjacent to the building. No trees are to be removed during the conversion and refurbishment works and the existing mature hedgerow to the south of the complex is to be retained to screen the area from the Farm House to the south-west.

PLANNING HISTORY

92/00802/FUL - Continuation of planning permission granted in 1988, renewed in 1990, for change of use of Dutch barn for winter storage of caravans. Approved 9th September, 1992

90/00711/FUL - Renewal of permission 88/0894/FUL for winter storage of caravans. Approved 26th July, 1990.

88/00894/FUL - Change of use of Dutch barn for winter storage of caravans. Approved 27th September, 1988.

CONSULTATIONS

Llanmaes Community Council - Consulted on 14th July, 2004 and re-consulted on amended plans on 23rd December, 2004. Their comments are as follows:

“The Community Council do not object to the proposal but have concerns regarding the entrance and exit being in such close proximity to the cross roads. Could the matter be referred to Highways for their approval please?”

The Community Council do not object to the proposal but have concerns regarding the entrance and exit being located on a dangerous bend in the road and exacerbated by an adjacent junction. The Community Council request that the access is checked and that the splay is adequate to provide for the increase in traffic from the development.”

The Head of Visible Services (Highway Development) – Was consulted on 27th July, 2004 and re-consulted on amended plans on 23rd December, 2004.

“The Highway Authority has no objection in principle, subject to the applicant satisfying the following conditions:

A turning facility and parking provision in accordance with the South Wales 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. The ‘dividing’ wall in the courtyard should be removed to allow vehicles to turn within it.

With regards to the above application, I have received the revised drawings and am now satisfied with the layout as shown.”

Countryside and Environmental Projects (Ecologist/Biodiversity Officer) – Was consulted 17th September, 2004 and re-consulted on additional information (wildlife survey) on 24th August, 2005.

Bats

The buildings which are the subject of this application may provide potential roost sites for bats.

It is recommended that the developer be made aware that British bats and their breeding sites and resting places are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994). In relation to structures used by bats for shelter or protection (i.e. roosts), this legislation makes it an offence to either intentionally or recklessly damage, destroy or obstruct access to any site used by bats, whether bats are present at the time or not, or to intentionally or recklessly disturb bats within a roost.

It is recommended that a full bat survey of the buildings be conducted by a licensed bat surveyor prior to the granting of planning permission to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from the Countryside Council for Wales (CCW) and their advice taken into account in making the planning decision. Appropriate mitigation measures as informed by the results of the survey should be conditioned into any consent.

Barn Owls

The buildings that are the subject of this application may potentially be used by barn owls, which have been found breeding in all months of the year.

It is recommended that the developer be made aware that in addition to the standard protection afforded to nesting birds, barn owls have extra protection under Schedule 1 of the Wildlife and Countryside Act 1981.

It is recommended that a barn owl survey be conducted prior to the granting of planning permission to ascertain presence or absence of barn owls in the buildings. In the event that the survey detects the presence of barn owls, further advice should be sought from the Countryside Council for Wales (CCW). Appropriate mitigation measures as informed by the results of the survey should be conditioned into any consent.

Nesting Birds

The buildings on this application site may be used by other nesting birds.

It is recommended that the developer be made aware that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built.

It is recommended that to comply with the law, a condition be included in any consent which states that work affecting the buildings should be done outside the nesting season which is generally recognised to be from March to September inclusive, unless a survey is first conducted which ascertains absence of nesting birds.

*N.B. A developer will require a Development Licence from the National Assembly for Wales Government for any development that would contravene the protection afforded to European protected species (which include bats) under the Habitats Directive. Before such a Licence can be granted, the following tests, specified in Article 16 of the Habitats Directive, must be satisfied:

- The derogation (in the form of a licence) is “in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
- There is “no satisfactory alternative” to the derogation.
- The derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”.

Although derogations are currently granted by a licence issued to the developer by the National Assembly for Wales Government, Local Planning Authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted a derogation in relation to European protected species, planning authorities should take the three requirements for a derogation into account when considering development proposals where a European protected species is present, and planning reports should demonstrate that the three tests have been applied.”

“Thank you for consulting me on the bat and barn owl survey submitted in respect of the above application.

Barn Owls

I can confirm that I am happy with the findings of the Barn Owl Survey which detected no evidence of use and that no barn owl mitigation/enhancement measures are necessary.

Bats, Little Owl and Nesting Birds

Since the survey detected presence of/usage by bats it will be necessary for the developer to apply for a Development Licence for these building(s) from the National Assembly. Before a Licence can be granted the “three tests” specified in the Habitats Directive (given below) have to be met, and where a European Protected Species is found to be present on site, the Local Authority should consult with the Countryside Council for Wales to seek their advice on whether test (ii) is met before the granting of a consent.

The “Three Tests”

- (i) There is “no satisfactory alternative” to the derogation.
- (ii) The derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”.
- (iii) The derogation is “in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.

It is therefore recommended that:

- The protected species survey be sent to CCW specifically to seek their written advice on whether test (ii) will be met if the mitigation recommendations as set out in section 4.2 of the report are adhered to or whether a more detailed Method Statement will be required for approval prior to consent.
- If advice from Countryside Council for Wales is received which confirms that mitigation proposed will be sufficient to meet test (ii), consent should be granted only on the condition that all mitigation measures as approved by CCW be fully implemented.

This ensures that a situation is avoided where a development with planning permission is subsequently not granted a licence on the basis that CCW decide that test (ii) is not adequately met.

As outlined in the National Assembly for Wales circular and internal guidance note on European Protected Species, the NAW will write to request the following documentary evidence from the Local Planning Authority to show that the three tests have been met at the time of the licence application:

Advice on how the tests specified in Article 16(1) of the Habitats Directive and Regulation 44 of the 1994 Regulations can be addressed in the case in question. This should include an assessment of the importance attached to the development against the background of national planning policy guidance and development plans, including material considerations.

A copy of the report to the Planning Committee on the planning application.

A copy of the minutes of the Planning Committee meeting at which the application was decided, or the equivalent papers if the application was decided by an officer.

A copy of any condition attached to the planning permission to take account of the presence of a member of a European Protected Species.

Information about any modification to the planning application to take account of the presence of a member of a European Protected Species.

Any other information relevant to the application of the tests specified in article 16(1) of the Habitats Directive and Regulation 44 of the 1994 Regulations (i.e. the three tests given above).

It is therefore recommended that the three tests be evaluated in the planning report according to the above NAW guidance.

Following NAW advice contained within a letter dated 13th July, 2004 which was circulated to all Local Planning Authorities, the following condition (worded by NAW) should also be attached to any consent as European Protected Species have been detected on site:

"Where any species listed under Schedules 2 or 4 of the Conservation (Natural Habitats & c.) Regulations 1994 is present on the site [or other identified part] in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority."

Countryside Council for Wales – Was consulted 24th August, 2005. "Our comments on the bat and barn owl survey for the above application are as follows:

"Countryside Council for Wales (CCW) is happy with the standard of the Bat and Barn Owl Survey. We support all recommendations made in Section 4.2 of the report and recommend that some or all of these be included as planning conditions on the consent, if granted. In addition, we support the recommendation in the survey report for the applicant to apply for a Licence from the Welsh Assembly Government to carry out any works to Barns E and F. CCW is of the opinion that if the works are carried out as suggested (methodology and timing), and mitigation measures provided, there will be no adverse effect on the Conservation Status of bats in local, regional or national contexts. Attached are recommendations made in the report that we have chosen as the most important, and it is these that you may wish to include as planning conditions."

Environment Agency - Consulted on 29th July, 2004. They responded with a copy of their standard guidance notes for developers.

Dwr Cymru/Welsh Water – Was consulted on 29th July, 2004 and had no objections to the proposal subject to standard conditions related to foul water, surface water, drainage and connections to the public sewerage system.

The Director of Legal and Regulatory Services (Environmental Health) - Was consulted on 13th August, 2004. No objections.

REPRESENTATIONS

Neighbouring occupiers were notified on 29th July, 2004 and re-notified on amended plans on 23rd December, 2004. No representations were received.

REPORT

As the site lies within the open countryside the proposal can be assessed against the criteria set out in Policies ENV1 – Development in the Countryside, ENV7 – Conversion of Rural Buildings, ENV25 – Design of New Developments and TRAN9 - Parking of the adopted Vale of Glamorgan Unitary Development Plan 2005; the adopted Conversion of Rural Buildings Supplementary Planning Guidance Note and Planning Policy Wales (March 2002).

It is accepted that the barns are structurally sound and are suitable for conversion. The structural survey concludes that all three barns were in remarkably good condition for their age and there is no reason structurally that these cannot be adapted into living accommodation.

The barn complex is sufficiently separate from the main farmhouse (approximately 35m to the south-west of the site). The proposal is therefore unlikely to have an adverse impact on the privacy of adjoining and future occupiers as the proposed habitable windows of Plots 1 and 2 and the adjoining Pen y Bryn Farmhouse do not directly face each other and are separated by a mature hedgerow. It is also in close proximity (approximately 1 mile) to the village of Llanmaes that can be accessed via a public footpath that runs along the rear of the farmhouse. Therefore, it is considered that the proposal for the conversion of agricultural buildings into residential use is not in an isolated and unsustainable location and it should not have a detrimental effect on the rural character of the landscape, in accordance with Policy ENV7, the adopted Conversion of Rural Buildings Supplementary Planning Guidance and national planning guidance.

The scheme has been amended to minimise the impact of the proposed conversions on the visual amenities of the countryside by revising the size and form of the modified kitchen annexe, reducing the number of new openings proposed and omitting the central dividing wall in the courtyard. The existing openings (windows and doors) are retained and natural materials (slate, hardwood, stone walls) are used to preserve the character of the barns as former agricultural buildings. The more recent barn additions are to be demolished to provide suitable and accessible amenity space for the future occupiers of the plots and this should preserve the rural character of the stone built barns. Therefore, it is considered that the criteria as set out in Policy ENV7 – Small Scale Rural Conversions of the adopted Unitary Development Plan 2005 have been satisfied.

The provision of at least three on-site parking spaces per unit and a suitable turning area to ensure access and egress in forward gear have all been requested and approved by the Highway Officer.

A survey has indicated that there is evidence that common pipistrelle bats use and roost in certain parts of the barn complex with roosting most commonly taking place during the summer months. It is also possible that some bats occupy the building in the winter months as well, hibernating within the fabric of the walls. All bats and their roosts are protected under UK and EC legislation and a licence should be sought from the Welsh Assembly before any works are carried out on the building and these works should avoid the main winter hibernation period.

There is no evidence to suggest that the barn is used by nesting owls although some winter occupation by little owls evidently occurs on occasion, most probably for roosting and sheltering in the winter months. Owls are listed as 'Species of Conservation Concern' in the UK.

The Countryside Council of Wales support all recommendations made in Section 4.2 of the report and they recommend that some of these be included as planning conditions on the consent, if granted. They also support the recommendation in the survey report for the applicant to apply for a licence from the Welsh Assembly Government to carry out any works to Barns E and F. Countryside Council for Wales is of the opinion that if the works are carried out as suggested (methodology and timing), and mitigation measures provided, there will be no adverse effect on the Conservation Status of bats in local, regional or national contexts. Attached are recommendations made in the report that CCW have chosen as the most important as planning conditions:

1. A derogation (licence) must be sought from the Welsh Assembly Government before any works are carried out which may affect roosting bats in buildings E and F.
2. Any demolition of stone walls of any building, or works to roof timbers of buildings E and F must be carried out September to March inclusive.
3. Demolition of stonebuilt walls with loose fill must be carried out by hand, not by machine, and as far as possible from end to end, rather than from the top down.
4. Rendering and/or remortaring of walls must be carried out during the autumn (September to November) or spring (March to May).
5. Buildings must be checked for bats and breeding birds immediately prior to the commencement of any construction/demolition activities. Immediately prior to can be taken to mean on the same day.
6. Chemical treatment of timbers with insecticide must be with using a non-toxic "bat-friendly" formulation. [These are widely available and are any brand of Permethrin – water based chemical].

It is considered that there is "no satisfactory alternative" to the derogation as the barn is suitable for conversion, it has been vacant and dilapidated for a number of years and the scheme complies with the Council's relevant policies and guidance notes for the conversion of rural buildings in the countryside.

The derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range" as the bat survey report has concluded that the favourable conservation status of bats in the vicinity is unlikely to be affected by the redevelopment of the building. The provision of bat roosting boxes will also encourage the continued use of the building.

The derogation is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment" as the redevelopment brings a disused agricultural building back into beneficial use and the works will preserve the character and appearance of the building and the immediate environment.

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

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RECOMMENDATION

APPROVE subject to the following condition(s):

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

2. The permission hereby granted shall relate to the amended plans, reference (PL)201 Revision D, 202 Revision D, 203 Revision A and 204 received by the Local Planning Authority on 20th December, 2004 and 16th May, 2005.
3. No part of the building shall be taken down and rebuilt except where indicated on the approved plan or as otherwise may be agreed in writing by the Local Planning Authority.
4. Details of the materials and colour of the external finishes of the proposed cat-slide kitchen extension shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.
5. The vehicle parking area hereby approved for the barn conversions shall be fully laid out and surfaced before the development hereby permitted is brought into beneficial use and shall be maintained at all times within the curtilage of the site for use exclusively in connection with the development hereby permitted.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the barn conversions hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
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. Before the commencement of the development hereby permitted, a scheme showing the means by which foul sewage and surface water run-off are to be catered for shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be put to beneficial use until the drainage works have been completed in full accordance with the approved details.
9. Where any species listed under Schedule 2 or 4 of the Conservation (Natural Habitats & c.) Regulations 1994 is present on site (or other identified part) in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy therefore has been produced to the Local Planning Authority.
10. Any demolition of stone walls of any buildings, or works to roof timbers of Buildings E and F must be carried out between September to March inclusive.
11. Demolition of stone built walls with loose fill must be carried out by hand, not by machine, and as far as possible from end to end, rather than from top down.

12. Rendering and/or remortaring of walls must be carried out during the autumn (September - November) or Spring (March to May).
13. Buildings must be checked for bats and breeding birds immediately prior to the commencement of any construction/demolition activities. Immediately prior to can be taken to mean on the same day.
14. Chemical treatment of timbers with insecticide must be with a non-toxic "bat friendly" formulation. (These are widely available and are any brand of Permethrin - water based chemical).

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. For the avoidance of doubt as to the extent of this permission.
4. To safeguard local visual amenities.
5. To retain adequate off street parking.
6. In the interests of privacy and amenity given the restricted nature of the site.
7. To safeguard local visual amenities.
8. To ensure satisfactory drainage of the site.
9. The barns are used by a European Protected Species.
10. The barns are used by a European Protected Species.
11. The barns are used by a European Protected Species.
12. The barns are used by a European Protected Species.
13. The barns are used by a European Protected Species.
14. The barns are used by a European Protected Species.

NOTE:

1. **Please note that this application relates to a conversion of the building(s) only and does not imply any consent for demolition or partial demolition and rebuilding of the barn(s) other than as may be shown in the approved details. Should work not outlined in the application and the structural survey be required then you should immediately contact my department. Demolition or partial demolition of the barn(s) will not comply with the consent as granted and subsequent planning consent will not normally be forthcoming for rebuilding a new dwelling.**

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.

Whitbread Group Plc., Enterprise Redevelopment Ltd., C/o Agent.
(Turley Associates (Dr T Rocke) Howard House, Queens Avenue, Bristol. BS8
1SD)

**LAND ADJACENT TO WEYCOCK ROAD/PORT ROAD WEST, WEYCOCK
CROSS, BARRY**

Erection of public house/restaurant, hotel and petrol filling station: Construction of long-stay airport parking: Alteration of vehicular access: Associated landscaping

SITE DESCRIPTION

The application site is located at the north corner of the roundabout junction of Port Road west and Weycock Road (File Mile Lane) in Barry. The site is approximately 2.3 ha (5.7 acres) in area and the average length of the site is approximately 200 metres and the average width of the rectangular site approximately 115 metres. There are no buildings on the site which is generally overgrown with brambles and vegetation, with some regenerated trees on the northern edge of the site where it adjoins a woodland (the Middleton Plantation). The site slopes down from south (Port Road west) to north adjacent to the woodland. There is a hedgerow with several trees along the western site boundary which adjoins agricultural land.

The site lies within the 'Nant Llancarfan' Special Landscape Area.

DESCRIPTION OF DEVELOPMENT

There are four main elements to this scheme, as follows:

- (a) A new 'Brewers Fayre' public house and restaurant is proposed for the south-east corner of the site, nearest the large roundabout. This building will be part two-storey but mostly single-storey and will be finished partly in pale cream render, buff facing brick and eternit slates. A car parking area with 99 No. spaces will be provided between the new building and Port Road West, this car parking area to be used also by the second element of the proposals which is:
- (b) A proposed new two-storey travel inn and a hotel with 40 No. bedrooms which will also be located near the Port Road west frontage, but on the west side of the frontage. This would have a similar finish to the proposed public house i.e. a pale cream render finish to the first floor elevations and buff facing brickwork to the ground floor elevations and eternit slates to the pitched roofs. As indicated above, the proposed 99 No. spaces at the site frontage would be shared with the public house/inn element of the scheme.
- (c) The access to the site will be located at the half-way point along Weycock Road. This access will service the public house, the new hotel and the third element of the proposal which is a petrol filling station. The petrol filling station will consist of a single-storey shop-style kiosk building and a forecourt canopy over the proposed petrol pumps. The facility will be located close to the adjacent Weycock Road.

- (d) The final major element of the proposal which will cover about 50% of the application site, is a large car parking area described as “overspill/airport parking.” The layout indicates that 227 No. car parking spaces would be provided for this particular purpose. The western side of the car parking area would be heavily landscaped, as would the northern boundary of the site nearest the adjacent woodland. A mini roundabout centrally located within the site would control the traffic movements from the four separate elements of these proposals as described above.

PLANNING HISTORY

This site has a long and varied planning history, dating back to before the original Local Government Reorganisation in 1974.

Detailed planning permission for a motel and petrol filling station was submitted and approved on 13th June, 1972 (CR16205). This followed the approval of an outline scheme on appeal by the Welsh Office on 26th October, 1965 (P399/101/415 and 416) for a motel and petrol station separately.

Subsequently various applications have been submitted for developments on this site, the majority of which have been refused. However, an amended hotel and petrol filling station scheme was approved on the site in April 1991 (90/01125/FUL). This application subsequently expired in April 1996 as it was never implemented and no conditions were ever discharged.

The site has also been periodically cleared and waste material tipped upon it over the last thirty years.

A more detailed account of the planning history of the site is set out below:

- Approval of an outline scheme on appeal by the Welsh Office on 26th October, 1965 (P399/101/415 and 416) for a motel and petrol station separately.
- The renewal of above applications submitted reference CR/16061, limited permission expiring on 31st March, 1973.
- Detailed plans were submitted ref. CR/16205 on 28th March, 1972 and approved on 13th June, 1972.
- 74/00591 – Renewal of pre 1974 permission for a motel, restaurant and filling station was approved on 18th March, 1975. A “specified operation” was alleged to have been undertaken which is alleged to have had the effect of keeping this permission extant.
- 76/1724 – An application to amend a condition attached to permission 74/00591 to allow development of a petrol station prior to the development of the motel was refused in February, 1977.
- 79/1323 – An application for the erection of 100 No. dwellings was withdrawn.
- 80/00949 – Planning permission for residential development of the site was refused in July, 1980.

- 81/0620 – Planning permission for residential development was refused in April, 1981. An appeal to the Welsh Office was subsequently withdrawn.
- 81/1447 – A proposed hypermarket and garden centre was refused in November, 1981.
- 82/02087 – Proposed retail premises and garden centre was refused in January, 1983.
- 90/00444/OUT – An outline application for residential development was refused in June, 1980. An appeal to the Welsh Office was withdrawn.
- 90/01125/FUL – A hotel and filling station was Approved in April 1991. An appeal was lodged in respect of condition No. 9 of the consent which required the filling station to be built concurrently with the hotel, appeal allowed.
- 91/00659/OUT – An outline application for low–density housing was refused in September, 1991.
- 91/01029/OUT – An outline application for a garden centre, which was refused on 10th December, 1991. An appeal to the Welsh Office was dismissed in July, 1992.
- 92/00519/FUL – A hotel and petrol station application which was refused in July, 1992 for the following reasons:
 - (1) The development would involve a prominent urban development close to the outer limits of the built up area of Barry, contrary to the aims of Policy EV4 of the draft Rural Vale Local Plan to protect the character of the area.
 - (2) The proposal conflicts with highway safety and the free flow of traffic and is premature in view of possible future transportation policy.

CONSULTATIONS

Barry Town Council – “Very Strong Objections

- (1) The Town Council is acutely aware that the application site lies outside the Barry Settlement Boundary as defined by the Vale of Glamorgan Unitary Development Plan and the Plan Area of the Barry Local Plan. The intensive proposals for a public house/restaurant, hotel and petrol filling station on this site along with extensive areas of open long–stay airport parking are, therefore considered contrary to the following planning policies which seek to protect the countryside from inappropriate development and to prevent the extension of the Barry Urban Area: Policies ENV1 and TOUR1 of the Unitary Development Plan, Policy CXXX of the Barry Local Plan.

The Council is also aware that a number of similar policies contained within the Structure Plan argue against these proposals.

- (2) The application site is located within Special Landscape Area iv, Nant Llancarfan, as defined in the Unitary Development Plan and abuts the boundary of area vi, Dyffryn Basin and Ridge Slopes. The proposed development would have a serious adverse visual impact on both these Special Landscape Areas and the general quality of the rural landscape.

The extensive areas of open parking would have particularly damaging effects on visual amenity. This along with the intensive nature of the proposed development and the bland and unimaginative design of the buildings, would be contrary to Unitary Development Plan Policies ENV XXX – (Special Landscape Areas) and ENV 25 – (Design of New Developments).

- (3) Despite the conclusions of the submitted Transport Assessment, it is felt that the high levels of traffic generated by the proposals, would impact adversely on local traffic routes particularly Weycock Road which is narrow, dangerous and is already the subject of a speed restriction.”

Glamorgan Gwent Archaeological Trust – “No objections on the basis that there are no recorded archaeological features within the area of the proposed development.”

Dwr Cymru/Welsh Water – Comments attached at Appendix A.

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

The Director of Legal and Regulatory Services (Environmental Health Division : Pollution Control) – “I refer to your memorandum dated 4th February, 2005, this department has no objection to the above application in principle, however, offer the following comments:

Contaminated Land Issues

The above site has a history of fly tipping and this may have resulted in contamination of the ground beneath the site. Therefore, this department insist on the following conditions:

- (i) Any inappropriate material remaining on site is removed under appropriate duty of care.
- (ii) All apparent ground contamination is removed and suitable remediation measures are undertaken to protect future site users.

Noise Control Issues

The applicant shall provide detailed information concerning potential noise sources emanating from the proposed developments activities and details of how they are to be controlled.

Odour Control Issues

The details of the equipment for the filtration of cooking smells and ventilation of the premises shall be submitted to be approved by this department prior to any development. The applicant should ensure that the scheme of odour control includes the following elements as well as further detailed filtration methods:

- (i) All cooking smells, noxious fumes or vapours from the premises shall be disposed of by means of a suitable duct terminating at a point 1 metre above the ridge height of the building or any adjacent buildings, which are higher or are likely to have an effect on the dispersion and dilution of the odour. The duct shall be free from any obstruction such as plate, cowl or cap or any other deflection at its termination point.
- (ii) Odour arrestment control should include fine filtration followed by carbon filtration (or a suitable alternative) with a suitable residence time depending of cooking methods and the type of foods produced.

Light Pollution

The inclusion of a long stay car park would be likely to result in the use of numerous floodlights on site. This department insists that the applicant have regard to The Institution of Lighting Engineers – Guidance Notes for the reduction of Light Pollution.

All proposals and works are to be agreed with this authority.”

The Head of Visible Services (Highway Development) – “The Highway Authority would advise that there is no objection to the proposed development in principle subject to full engineering details incorporating the following to the satisfaction of the Local Highway Authority in the interest of Highway / Public Safety:

1. The proposed major/minor junction incorporating localised road widening and a vehicular right turning facility on the A4226 (Five Mile Lane) to serve the development as illustrated on the plans submitted by Broadway Malyan Landscape, reference Nos. L-90 – 100, L-90-301, shall be designed in accordance with the Design Manual for Roads and Bridges, Volume 6 Section 2, Part 6 TD 42 / 95 and constructed in accordance with the Vale Of Glamorgan Council’s Vale Of Glamorgan Council’s Local Highway Authority’s Specifications for Adoption.

Areas of land within the control / ownership of the developer required for the proposed improvements shall be dedicated as part of the adopted highway on completion of the works.

2. To carry out any modifications to the existing roundabout at Weycock Cross required to incorporate the aforementioned road widening/right turning facility.

Any modifications shall be designed in accordance with the Design Manual for Roads and Bridges, Volume 6 Section 2, Part 6 TD 16 / 93 and constructed in accordance with the Vale Of Glamorgan Council’s/Local Highway Authority’s Specifications for Adoption.

3. The proposed Major/Minor access onto the A4226 (Five Mile Lane) shall incorporate a 120m x 6m vision splays in both directions.

Areas of land required for vision splays within the ownership of the developer will be required to be dedicated as part of the adopted highway.

There shall be no un-authorised structures inclusive of signs or planting within the vision splays.

4. In addition to the new footways proposed by the developer illustrated on the plans submitted by Broadway Malyan Landscape, Ref Nos. L-90 – 100, L-90-301 the following will be required to be incorporated:

- (i) An additional length of 2m wide footway on the North Eastern side of the A4226 (Five Mile Lane) linking the proposed development and the existing bus stop located on Port Road East.

Footway to incorporate a safe and suitably located pedestrian crossing complying with the Department for Transport Inclusive Mobility and the provision of additional street lighting /upgrading of the existing Lighting within the vicinity of the development as deemed necessary by the Vale Of Glamorgan Council / Local Highway Authority.

- (ii) A Safe and suitably located pedestrian crossing linking the new footways proposed by the developer to the existing footway on the Southern side of Port Road West (stretch from roundabout in the direction of the Cwm Ciddy/Cardiff Wales Air Port) direction of wards the Cardiff Wales Air Port.

These works shall be suitably located and comply with the Department for Transport Inclusive Mobility and the provision of additional street lighting and the upgrading of the existing within the vicinity of the proposed works as deemed necessary by the Vale of Glamorgan Council / Local Highway Authority.

5. The Developer will be required to enter into a legal agreement in connection with the required highway improvements and the dedication of land within the ownership of the developer to form part of the adopted highway on completion of the works.
6. No works what so ever shall commence on site until full engineering details of the highway improvement works have been submitted and approved by the Local Highway Authority and the Legal Agreement signed, sealed and monies deposited.
7. None of the proposed facilities shall be brought into beneficial use prior to completion of the highway improvement to the satisfaction of the Local Highway Authority.
8. Provide and maintain onsite parking in accordance with the Parking Guidelines. In addition to the new footways proposed by the developer illustrated on the plans submitted by Broadway Malyan Landscape, Ref Nos. L-90 – 100, L-90-301, the following will be required to be incorporated:

IMPORTANT NOTE FOR PLANNING AUTHORITY

The Highway Authority would advise that the Welsh Assembly has declared its intentions to trunk a section of the A48 between Culverhouse Cross and Sycamore Cross and **the A4226 (Five Mile Lane)** as part of the programme to improve access to Cardiff Wales Airport.

On completion of this process, the Welsh Assembly intends to improve and widen sections of the A4226/Five Mile Lane.

It is therefore recommended that the Welsh Assembly is consulted to ensure that the proposed access/highway improvements do not conflict with any highway improvements they have identified.”

REPRESENTATIONS

A site notice was posted and the development advertised as a departure from the development plan on 15th March, 2005.

To date, one letter of representation has been received objecting to the application. The letter has been written by Eversheds LLP on behalf of Cardiff International Airport. This letter (which runs to seven pages), is fully attached at Appendix B to this report. However, the main points raised by the objectors are summarised in the concluding paragraphs as follows:

- “6.1 The application flies in the face of two key policies in the Unitary Development Plan, namely ENV1 and TOUR1. The Unitary Development Plan is adopted and up to date and must be given its full weight. The policy basis for the grant of earlier permissions on the site has been completely overtaken by later policy developments.
- 6.2 Despite claims to the contrary, the application does not further the aims of Policy TRAN7. In fact, it damages them by reducing the attractiveness of the airport for future investment. If it were granted, it would encourage further damaging applications for parasitic and “disabling” car parking operations.
- 6.3 If permission were granted, it would hinder the prospects of an integrated approach to transportation to and from the airport and the achievement of a modal shift towards public transport and away from the private car in conflict with the transportation objectives of the Unitary Development Plan, the Local Transport Plan and Planning Policy Wales.
- 6.4 The applicant’s argument that a previous permission has been implemented and could be completed, is extremely weak. Even if the permission was in fact implemented, the scale of the earlier proposal was much smaller and less intrusive than the current application and did not include any element of stand alone airport car parking. Regardless of these points, the existence of an implementable permission can only ever be an “other material consideration”, and it is simply not enough (even if the applicants can prove the earlier permission was lawfully implemented under current case law) to overcome Policies ENV7 and TOUR1 of the adopted Unitary Development Plan.

For these reasons we ask that the application is refused.”

RELEVANT PLANNING POLICIES

When the application was first submitted in January, 2005, the relevant development plan comprised the South Glamorgan Structure Plan. The (then) emerging Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004) was also of note. However, the Unitary Development Plan was formally approved and adopted in April, 2005 and the relevant development plan policies are now contained in the adopted Vale of Glamorgan Unitary Development Plan 2005.

In terms of the location and context of the application site, it is located outside the residential settlement boundary of Barry and is therefore classified as ‘countryside’. In addition, the site lies within the ‘Nant Llancafán’ Special Landscape Area. Accordingly, the following policies of the adopted Unitary Development Plan are considered to be the most relevant in the consideration of these proposals:

Policy ENV1 – 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.

Policy ENV XXX – 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:

- (iv) Nant Llancarfan.

The explanatory text to this policy states that:

“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 Landscapes 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 tree, hedgerows, woodlands or walls and use of materials when assessing the impact of a development.”

Related to the above policy are another two policies in the Unitary Development Plan as follows:

Policy 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.

Policy ENV10 – Protection of Landscape Features

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.

More general advice on the design of new developments is also contained within the following policy of the adopted Unitary Development Plan:

Policy ENV25 – Design of New Developments

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.

As the proposed development includes the provision of a 40 bedroom hotel, the following Unitary Development Plan policies are also considered relevant:

Policy TOUR1 – New Hotels in the Countryside

Proposals for new hotels outside the designated settlement boundaries of the towns and villages defined by Policies HOUS2 will not be permitted. Proposals for hotels which involve the conversion or extension of existing buildings outside settlement boundaries will be permitted if all of the following criteria are met:

- (i) The scale of the proposal or any proposed extension is in keeping with surrounding uses.
- (ii) The proposal does not unacceptably affect the interests of agriculture, conservation, areas of ecological, wildlife, landscape or archaeological importance.
- (iii) The proposal does not unacceptably affect the amenity and the character of the existing or neighbouring environments by virtue of noise, traffic congestion, exacerbation of parking problems, or visual intrusion.
- (iv) The proposals meet high standards of layout, landscaping and design and has safe vehicular access.
- (v) Adequate utility and infrastructure services exist, are reasonably accessible or can be readily and economically provided.
- (vi) Suitable access is provided for disabled persons and those with impaired movement.
- (vii) Parking is provided in accordance with the Council's approved guidelines.

Policy EMP3 – 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 Policy ENV7 (rural buildings) or COMM2 (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 an area 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.

Whilst the adopted Unitary Development Plan policy context is of key importance to the assessment of this application, another significant material consideration is the planning history of the site. This matter is referred to extensively in the Planning Supporting Statement which has been submitted by the planning consultants acting for the applicant company Whitbread Plc. In summary, the applicants contend that as the 1974 planning permission (Ref. 74/00591/FUL) may still be extant for a motel, restaurant and filling station development, this position should be regarded as a "fall-back" situation and that a modern version of that general type of development could justifiably be approved. However, there are significant reasons why the Council cannot agree with this assessment.

REPORT

Principle of Development

The application site is located outside the residential settlement boundary of Barry, such that it clearly lies within the countryside.

Policies TOUR1 and EMP3 both specifically state that such new development will be permitted outside of the settlement boundaries. Furthermore, all aspects of the proposal, including the proposed new airport parking, would plainly be contrary to Policy ENV1, given that they fail to accord with any of the exceptions stated within that Policy.

As a matter of fact, therefore, the development of the site for the proposed uses would be contrary to Policies ENV1, TOUR1 and EMP3.

Visual Impact

The site is extremely prominent and presents a direct frontage to Port Road West by means of a wide, grassed highway verge and then an open, largely overgrown expanse of land beyond to the north. The context of the site is clearly rural, with agricultural fields and farmland immediately adjacent to the west and a woodland plantation to the north.

The proposed development would introduce a built-up development with an urbanised appearance to the Port Road frontage as the new public house/restaurant and new hotel, together with a sizeable car parking area, would directly face the road. As such, the appearance of the site would be fundamentally transformed from an undeveloped, open area of land in a countryside location to a built-up site of a largely urban appearance. Such a large scale intrusion within the countryside is considered to be unacceptable and, indeed, the design of the proposed buildings are relatively bland with little or no attempt made to reduce their visual impact.

As noted above, a total of 326 car parking spaces would be provided (99 for the hotel and pub/restaurant and 227 for the “overspill airport” car parking). This would result in a very large expanse of the site being surfaced for car parking with all the attendant traffic flows, signage and, no doubt, a necessary degree of illumination for safety and visibility reasons. Cumulatively, the proposed amount of new building development and access road/car parking areas would radically transform the character and appearance of the site from an open, vegetated and unused site in a rural setting, to one which would be completely built-up and urbanised.

As a consequence, the development would have an adverse and detrimental impact on the rural character of the site and the surrounding area. Given that the site is also located within the designated area of the Nant Llancarfan Special Landscape Area, this adverse impact is considered to be totally unacceptable and contrary to Policies ENV XXX (Special Landscape Areas) and Policy ENV 9 of the Unitary Development Plan. Furthermore, as the site clearly lies within the countryside, the proposals are also contrary to Policies TOUR1 and EMP3.

Assessment of ‘Other Material Considerations’

Faced with a development which is plainly contrary to the adopted Unitary Development Plan, it is thus necessary for the applicant to demonstrate that there are ‘other material considerations’ sufficient to outweigh the harm caused by the development and its failure to accord with the Unitary Development Plan.

In this respect, whilst the adopted Unitary Development Plan policy context is of key importance to the assessment of this application, another significant material consideration is the planning history of the site. This matter is referred to extensively in the Planning Supporting Statement which has been submitted by the planning consultants acting for the applicant company Whitbread Plc.

In summary, the applicants contend that as the 1974 planning permission (Ref. 74/00591/FUL) may still be extant for a motel, restaurant and filling station development, this position should be regarded as a “fall-back” situation and that a modern version of that general type of development could justifiably be approved. Furthermore, they state that the Council has previously agreed in writing that the consent had been implemented. However, there are significant reasons why the Council cannot agree with this assessment.

The first, principal reason is that the planning position with regard to the earlier consents is far from clear. It was for this reason that Counsel’s opinion has been sought on this particular matter. In summary, the advice given is that the planning history of the site is “unclear” and that irrespective of any previous correspondence concerning the validity of the consent, such correspondence is not concluded to bind the Council in any subsequent consideration of this (or other) applications (estoppel). This view is considered to be supported by recent case law.

Given the nature of the applicant’s submissions, It was therefore suggested that the only formal way of determining the relevance of the planning history, would be for the applicants to submit a formal application under Section 192 of the Town and Country Planning Act (as amended) to obtain a Certificate of Lawfulness for any development which they believe is still extant and lawful. An invitation to this effect was sent to the agents in a letter dated 1st April, 2005, but no reply has been received and no such application submitted. A further letter (dated 3rd January, 2006) has also been sent to the applicant’s agent with a similar invitation to submit a Section 192 application and requesting a response within 21 days. Once again, no response has been received. As a consequence, it is considered that the weight which can be attached to the relevant planning history is very slight, given the passage of time since the original approvals in the 1970’s were granted (over 30 years ago) and the greater significance which should now be attached to a recently approved and adopted Unitary Development Plan.

Secondly, it is considered that even if a genuine “fall-back” position could be established, it should be noted that the level and scale of development now proposed in this current scheme is much greater than the schemes previously approved in the 1970’s which are claimed to be extant. Without prejudice to the consideration of other applications for the site, the previously approved schemes illustrated a development of lesser scale and confined the built development to a more central part of the site. In addition, the height and scale of the built development was lower than the current proposals. Coupled with a very extensive area of landscaping and planting, it is considered that the visual impact of the previous schemes would have been less than that which is currently proposed. Moreover, the current scheme proposes a very significant and large area for “overspill/airport parking” and no such element was included in the previous proposals. Therefore, irrespective of any “fall-back” position which the applicants might claim, it is considered that the current scheme is not at all comparable with the previous proposals, particularly in terms of the scale of development now proposed and its likely adverse visual impact.

Whilst the site is mostly overgrown and has also been subject to some tipping of materials in the past, it nevertheless provides a satisfactory visual buffer between the built-up area of Barry to the south and east and the countryside beyond. The southern part of the site merges imperceptibly into the woodland plantation to the north and, as noted above, the site is included within the Nant Llancarfan Special Landscape Area. The proposal would therefore be contrary to Policy ENV XXX (Special Landscape Areas) as the level of development proposed would clearly have an adverse visual impact on the Special Landscape Area, and would visually relate the site more to the built-up area of Barry than to the countryside setting within which it is located. Accordingly, the application is recommended for refusal for the reasons set out below.

04264

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The application site is located outside the residential settlement boundary of Barry and as such, is located in the countryside. The proposed development of the site therefore represents unjustified new development in the countryside, which is contrary to the aims and objectives of Policies ENV1, TOUR1 and EMP3 of the adopted Vale of Glamorgan Unitary Development Plan 2005, as well as guidance in Planning Policy Wales.
2. The proposed development is located within the Nant Llancarfan Special Landscape Area wherein the large scale, extent and form of development which is proposed on this site would have a significant adverse visual impact on the landscape character of the surrounding area. Accordingly, the development proposals are considered to be contrary to the aims and objectives of Policies ENV XXX (Special Landscape Areas), ENV9, TOUR1 and EMP3 of the adopted Vale of Glamorgan Unitary Development Plan 2005, as well as guidance in Planning Policy Wales.

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 timeshare complex, 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 6.3(ha) (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

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)

Comments awaited.

The Head of Economic Development and Leisure (Footpath Officer)

“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)

“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:

Vale of Glamorgan Unitary Development Plan adopted 2005

- ENV 1 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.
- ENVXXX 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.
- ENV6 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.
- ENV9 Conservation in the Countryside : With measures to maintain and improve the Countryside, its features and resources, particularly in areas of high quality landscape.
- ENV10 Protection of Landscape Features : Development will be permitted if it does not unacceptably affect features of importance to landscape or nature conservation.
- ENV11 Woodland Management : Improvement management and extension of woodlands, tree cover and hedgerows will be favoured.

- ENV14 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.
- ENV15 Protection of Built and Historic Environment.
- ENVXXX 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.
- ENV16 Archaeological Field Evaluation.
- ENV17 Preservation of Archaeological Remains : Preservation or as appropriate, recording of remains will be required.
- ENV25 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.
- ENV27 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.
- HOUS13 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.
- EMP3 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.

- TRAN9 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): within that Brief 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. However 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 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 modern, poorly designed buildings 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.

Reference was made to the possibility that the site could be designated as a Conservation Area and an Article 4 Directive (restricting Permitted Development Rights) being issued.

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 has been addressed with the applicants agent, and communication issued by the applicants agent on the matter has identified a financial contribution in lieu of housing on site, amounts to some £880,00.

This is considered to be a reasonable level of contribution for this scale of development based on 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 requiring the full 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. It is considered that there maybe implications for the viability of the scheme if the whole contribution is sought, and 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 in the region of £175k is also 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.

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 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. For e.g. planting of a woodland buffer 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.

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 Learning and Development Office 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.

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, ENVXXX Special Landscape Areas, ENV6, ENV9, ENV10, ENV11, ENV14, ENV15, ENVXXX Protected Species, ENV16, ENV17, ENV25, ENV27, HOUS13, ENV3, TOUR1, TRAN9, REC12 and COMM2 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

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

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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.
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.

3. This consent shall relate to the drawings as detailed on the attached Drawing Schedule.
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.
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.
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.
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.
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.
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.
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.
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 the prior written consent of the Local Planning Authority.

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.
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.
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 and 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.
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.
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.
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.
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.

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.
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.
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.
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.
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.
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.
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.

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.
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.
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.
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.
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.
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.
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.
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.

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 relates

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. 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. For the avoidance of doubt as to the approved plans.
4. 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. To safeguard local visual amenities.
6. To ensure that the character and setting of the Listed Buildings and Parkland are safeguarded.
7. The development as unrestricted residential accommodation would not be acceptable in this rural area.
8. The development as unrestricted residential accommodation would not be acceptable in this rural area.
9. To enable the Local Planning Authority to monitor the holiday accommodation in accordance with Condition Nos. 7 and 8 above.
10. To enable the Local Planning Authority to monitor the holiday accommodation in accordance with Condition Nos. 7 and 8 above.
11. 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. 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. 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 longterm future of the Listed Buildings.
14. 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 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 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. To ensure safe access to the development.
18. To ensure that the development is properly serviced in relation to foul water in the interests of the environment generally.
19. To safeguard the water environment from pollution and to protect against flooding in the area.
20. To protect against flooding in the area.
21. To ensure that the visual amenities of the Historic Parkland and site in general are protected and enhanced.
22. To ensure satisfactory maintenance of the landscaped area.
23. To safeguard trees which are to be retained from damage during development in the interests of the visual amenities of the area.
24. To ensure that any excavated material is properly disposed of or re-used on site.
25. To ensure that the ecological value of the lake is not adversely affected.
26. To ensure that the ecological value of the lake is not adversely affected.
27. 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. As the building is of architectural and cultural significance the specified records are required to mitigate impact.
29. 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. To ensure highway safety and that the amenities of the area are not adversely affected.
31. 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. Insufficient details of any development in the Walled Garden have been submitted.

33. To ensure a satisfactory form of access is provided to serve the development as a whole in the interests of highway safety.
34. 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, Tel (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, Greyfriars 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 Misken 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.

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.
2. The Local Planning Authority* shall be notified 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 the works on site.
3. This Consent shall relate to the following schedule of drawings and documents.

04/00441: 101, 102, 103, 104, 110, 111, 112, 114, 115, 116, 117, 201A, 202A, 203A, 210A, 211B 213A, 214B, 216A, 217A, 220A, 221B, 223, 224, 250, 251, 252, 253, 810, 811, 812A, 813, 814, 815, 816, 817.

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

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.

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.

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.

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.

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 floorboarding, the notching, cutting or drilling of structural timber for the purposes of routing services, and the cutting, chasing and filling of wall/ceiling finishes.

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).

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.
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.
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.
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.
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.

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.

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.
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.
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(s):

1. To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. To ensure that all the 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. In order to confirm the schedule of drawings and documents which form part of this consent.
4. 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.
5. To allow further consideration of these details and their impact on the historic fabric of the building, when more comprehensive information is available.
6. 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. To allow further consideration of these details and their impact on the historic fabric of the building, when more comprehensive information is available.
8. To ensure a minimum of intervention in the fabric of the building.
9. 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. In order to secure the appropriate conservation of keys rooms of the Castle.
11. To allow further consideration of these details and their impact on the historic fabric of the building, when more comprehensive information is available.
12. In order to ensure the provision of new render of an appropriate technology and finish.
13. In order to ensure the provision of new render of an appropriate technology and finish.
14. To allow further consideration of these details and their impact on the historic fabric of the building, when more comprehensive information is available.
15. 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. To allow further consideration of these details and their impact on the historic fabric of the building, when more comprehensive information is available.
17. To allow further consideration of these details and their impact on the historic fabric of the building, when more comprehensive information is available.
18. 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,
The Directorate of Environmental and 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 works will constitute an offence which may lead to prosecution.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action/a prosecution.

J H Leeke & Sons Ltd, Mwyndy Business Park, Pontyclun, CF72 8PN.
(RPS Group Plc, 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.

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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.
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.

3. The consent shall relate to the following schedule of drawings and documents: JCC 3304:03; JWR 1030:20E; G1986(05) S:001, 002, 003; 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).

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.
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.
6. Vapour permeable felt shall be provided in the construction of roof finishes, and no ventilators shall be provided in slope.
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.
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.
9. Prior to the commencement of development, details of external doors to the ward blocks (to scales of 1:1, 1:5, 1:10, 1:20, as appropriate) shall be submitted to and approved in writing by the Local Planning Authority.
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.
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.
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(s):

1. To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. 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. In order to confirm the schedule of drawings and documents which form part of this consent.
4. To allow further consideration of these details and their impact on the historic buildings, when more information is available.
5. In order to ensure the provision of roofing finishes which are appropriate to the special architectural/historic interest of the building.
6. In order to avoid the provision of visible in-slope roof ventilation.
7. In order to consider the impact of these details on the character of the historic buildings.
8. To retain traditional window detailing, and to secure ventilation.
9. To ensure the provision of traditional panelled door, frame and overlight details.
10. 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. To allow further consideration of these details and their impact on the historic fabric of the building, when more comprehensive information is available.
12. To ensure that the special interest of the building is not compromised.

NOTE:

1. * **Contact:**

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

Tel: 01446 704626/8

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 works will constitute an offence which may lead to prosecution.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action/a prosecution.

Chris Morgan, 13, Merthyr Street, Barry, Vale of Glamorgan. CF63 4LA
(C. J. Morgan, 13, Merthyr Street, Barry, Vale of Glamorgan. CF63 4LA)

LAND EAST OF CHEQUERS, EAST ABERTHAW

Erection of 2 no. dwellings

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

The application was advertised on 19th July, 2005.

SITE DESCRIPTION

The application site comprises an area of undeveloped land enclosed by boundary walls and located to the south east of "Chequers" and "Phoenix Cottage" and on the northern side of the railway line.

DESCRIPTION OF DEVELOPMENT

This is an outline application for the construction of 2 No. dwellings. Initially all matters were reserved for subsequent detailed approval. The applicant was requested to provide full details as the site lies within the East Aberthaw Conservation Area. Amended forms have been submitted indicating that siting and external appearance have been submitted for approval at this stage and reserving access, design and landscaping. Notwithstanding this, plans have been submitted that indicate the siting of 2 No. two storey pitched roof, four bedroom dwellings with a detached double garage building set to the rear, close to the boundary with the railway line. The proposed houses will front a new driveway, approximately 3.4m in width, sited along the north eastern boundary with Station Terrace, and accessed off the private road.

PLANNING HISTORY

87/00354/OUT – Detached bungalow. Approved in outline 30th June, 1987 (land to north west of "Chequers").

88/00243/OUT – Detached bungalow. Approved in outline 19th April, 1988 (land to north west of "Chequers").

89/01207/RES – Two detached bungalows. Approved 21st November, 1989 (land to north west of "Chequers").

98/00194/FUL – Alterations to house to provide granny flat to "Chequers". Approved subject to conditions 3rd April, 1998.

99/00682/OUT – Erection of 2 No. two-bedroom bungalows to side garden of "Chequers". Refused 23rd September, 1999 on the grounds of unjustified ribbon development into the countryside and residential amenities. A subsequent appeal to the Welsh Office was dismissed on 28th March, 2000. A copy is reproduced at Appendix A.

03/00840/FUL – Single storey bungalow. Approved 13th May, 2004 subject to conditions, including provision and retention of extended driveway and turning facility; removal of pd; landscaping with particular attention to planting along the south eastern boundary; and drainage.

04/01772/FUL – Removal of Condition No. 3 to 98/00194/FUL to allow independent occupation of granny flat. Approved 22nd December, 2004.

CONSULTATIONS

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

Dwr Cymru/Welsh Water – No objections request for standard conditions on any consent.

Glamorgan Gwent Archaeological Trust – No objection.

The Director of Legal and Regulatory Services (Principal Environmental Health Officer) – No objection but request a condition requiring a scheme of investigation for possible contaminants.

Legal and Regulatory Services (Pollution Section) – Concerns relating to noise from the adjacent railway and they advise that sensitive residential development should be avoided. Any such development at the very least should be subject to a noise assessment in accordance with Policy TAN11 with noise insulating works in place.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 12th July, 2005 and re-notified on 31st January, 2006. Letters of objection have been received from the occupiers of Nos. 5 and 6 Station Terrace. Whilst these are reproduced at Appendix B for Committee members’ inspection, in summary the main points of concern relate to:

- Not in-keeping with the village.
- Poor vehicular access.
- Proximity to cement works.
- Obscured view.

REPORT

It will be noted from the planning history that there has been a number of applications submitted on the site in recent years. In that time, the policy position has progressed and has affected the determination of the various applications. The policy background to the current application is as follows:

The site is located within the residential settlement boundary for East Aberthaw as defined in the Vale of Glamorgan Unitary Development Plan 2005. Policy HOUS2 of the Unitary Development Plan allows for housing infill, small scale development and redevelopment within East Aberthaw, but subject to the residential development criteria outlined in Policy HOUS9. These require:

- (1) The scale, form and character of the proposed development is sympathetic to the environs of the site.
- (2) The proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments of noise, traffic congestion, exacerbation of parking problems or visual intrusion.
- (3) The proposal does not have an unacceptable impact on good quality agricultural land (Grades 1, 2 and 3A), on areas of attractive landscape or high quality townscape or on areas of historical, archaeological or ecological importance.
- (4) When appropriate and feasible, the provisions of Policy REC3 are met.
- (5) The provision of car parking and amenity space is in accordance with the Council's approved guidelines.
- (6) Adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

In addition, it is noted that the site lies within the East Aberthaw Conservation Area. Policy ENV18 relates to development in Conservation Area and states:

Proposals for new development or alterations to buildings or features within Conservation Areas will be permitted where they preserve or enhance the character of the conservation area. Such proposals will need to reflect:

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

Policy ENV25 also 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.

In addition to the above, the Council also has a Conservation Area Appraisal for East Aberthaw and Supplementary Planning Guidance (SPG) on Amenity Standards and Conservation Areas in the Rural Vale.

The Supplementary Planning Guidance on Amenity Standards contains policies not only in relation to the quantity and quality of amenity space but also on privacy, overshadowing and visual amenity. Policy 2 states:

"The Council will ensure that usable, adequate and appropriate private amenity space is provided as part of residential development."

Whilst Policy 6 notes:

"Proposals for new residential development should contain appropriate landscaping and have regard to existing landscape features."

The Conservation Area Appraisal and the Supplementary Planning Guidance on Conservation Areas in the Rural Vale, recognise the importance of landscape and trees on the character of the village. At paragraph 3.2 of the Appraisal it is noted:

"Development will give high priority to landscape design, to protect and enhance the external view of the village."

National guidance is contained within Planning Policy Wales March 2002, Policy TAN12 – Design and Welsh Office Circular 61/96 "Planning and the Historic Environment, Historic Buildings and Conservation Area."

Paragraph 9.3.3 of Planning Policy Wales states:

"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."

In addition, paragraph 6.5.21 of Planning Policy Wales refers to the level of information required on the assessment of applications within Conservation Area and states:

“Consideration of proposals for development in a conservation area should be made on the basis of a full, rather than an outline consent.”

This approach is inherent to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard be paid to the desirability of preserving or enhancing the character of the conservation area. This is taken further in paragraph 6 of Welsh Office Circular 61/96 Historic Environment which carries an expectation that developers should assess the likely impact of their proposals and provide sufficient information to inform an understanding of the special interest of a site. All of this guidance is reflected in the Council’s adopted Unitary Development Plan, which states at paragraph 3.4.71:

“Applications for planning permission within Conservation Areas should be supported by full detailed drawings and where appropriate, fully detailed landscape proposals. Architectural detail within Conservation Areas is very important. It can often mean the difference between a visually acceptable addition to the street scene and an inappropriate form of development which significantly detracts from the character of the area.”

In assessing the proposal against the above policies and guidance, it is noted that the application has been submitted in outline. Initially all matters were reserved for subsequent approval, but currently details of siting and external appearance have been submitted for appraisal now. The applicant has been advised that an outline application in a Conservation Area is not acceptable and that full details are required. Thus in the absence of full details, the Local Planning Authority is unable to satisfactorily discharge its duty to pay special regard to the desirability of preserving or enhancing the character of the Conservation Area.

Irrespective of the above, it is considered that the development of the site for two units of residential accommodation would not be appropriate. It will be noted from the planning history that consent for a single detached bungalow was granted in May, 2004. That application reference 03/00840/FUL was initially submitted for 2 No. two-bedroom bungalows. Following lengthy negotiations, that application was amended to a single dwelling as it was determined that the site could not accommodate two dwellings and provide for the necessary highway improvements, landscaping, amenity space and other environmental issues.

With regard to the level of detail submitted with the current application, the following consultation responses have been received:

The Council’s Highway Engineer has a number of concerns in relation to the proposal. Firstly, the proposal will exceed the maximum number of dwellings that the Highway Authority will allow to be served from a single private access. It will be noted from the planning history that a recent application, reference 04/01772/FUL, agreed the removal of a restrictive condition for a granny flat to allow independent occupation.

Thus the current application would result in six dwellings, one more than the five dwellings the Highway Authority will allow. The Council's Highway Engineer is also dissatisfied with the level of car parking and manoeuvring space indicated on the existing plan. A minimum of three parking spaces would be required for each unit. Finally, the access road shown on the submitted plans is deficient in width and will not allow for two vehicles to pass side by side. It should also be noted that consent for the single bungalow on the site is subject to the provision of a new turning facility to serve the private cul-de-sac and improve highway safety onto the adopted highway.

The Council's Environmental Health Section have indicated that they have serious concerns over the introduction of sensitive residential development in proximity to the adjacent railway line, which, since the approval for the single bungalow is now open to passenger services in addition to freight transport.

The site is also located within the Buffer Zone established around Aberthaw Quay under Policy MIN6 of the Unitary Development Plan. It is likely that the effects of quarrying will be felt on occasions at the site. In providing consent for the single dwelling, it was considered that it would be difficult to object on mineral grounds as various dwellings are already sited between the site and the quarry. Nevertheless it is considered that in the interests of the proper planning of the area and the amenities of any future occupiers, it would seem appropriate to limit the number of additional households that could be affected by such activity.

Finally, with regard to the likely impact of the proposal on the character and appearance of the Conservation Area, it is noted that in contrast to the consent for a single storey bungalow, the current application indicates 2 No. two-storey, four bed houses. Such a form of development is considered to be entirely inappropriate to the existing bungalows along Station Drive which currently have a neutral impact on the wider character of the East Aberthaw Conservation Area. In addition, it is noted that the existing consent for a single bungalow on the site is subject to landscaping conditions that require special regard be paid to the south eastern boundary of the site. It is considered that the provision of two dwellings on the site would not allow for the necessary landscape treatment required to enhance the character of the Conservation Area in this location.

In view of the above the following recommendation is made.

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. Insufficient details have been submitted to enable the Local Planning Authority to fulfil its statutory duty to assess the implications of the proposal, particularly in terms of the preservation or enhancement of the character of the East Aberthaw Conservation Area, contrary to Policy ENV18 and paragraph 3.4.71 of the Vale of Glamorgan Unitary Development Plan 2005; and National Guidance contained in Planning Policy Wales March, 2002 and Welsh Office Circular 61/96 "Planning and the Historic Environment : Historic Buildings and Conservation Areas."

2. Notwithstanding the above, in the opinion of the Local Planning Authority, the proposal represents an unacceptable and inappropriate form of development which would adversely affect general residential amenities, highway safety and the character and appearance of the East Aberthaw Conservation Area, contrary to Policies HOUS2, HOUS9, ENV18 and ENV25 of the Vale of Glamorgan Unitary Development Plan 2005; Supplementary Planning Guidance on Amenity Standards and Conservation Areas in the Rural Vale; the East Aberthaw Conservation Area Appraisal; and National Guidance contained in Planning Policy Wales March, 2002 and TAN12 - Design.

A. G. Developments, Little Haven, Nash Manor Gardens, Vale of Glamorgan.
CF71 7NS
(Don Mitchell Associates, 39, High Street, Cowbridge, Vale of Glamorgan. CF71
7AE)

CHESTNUT TREE COTTAGE, CRAIG PENLLYN

Construct two new three bedroom detached dwellings. Widen vehicle access to side. Construct new access drive and associated parking for new dwellings and existing cottage

SITE DESCRIPTION

The application site is located on the eastern edge of Graig Penllyn and is occupied by a detached dwelling–house with detached garage and associated residential curtilage.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the demolition of the existing detached garage and the construction of two new dwellinghouses. The proposed two storey, three bedroom dwellings will be of a similar design comprising full height gables with French doors and balconettes and other traditional features including lean–to porch, chimney stacks and pitched roof gabled dormer windows. The external finishes will be natural slate roof and smooth render. Plot 1 will be sited to the south west of the existing cottage close to the boundary with “Little Acre”, “Stepping Stones” and the Barley Mow Public House. The dwelling on Plot 2 will be sited to the south east of the existing cottage, with a more direct frontage with the public highway.

The existing vehicular access located immediately to the south of the cottage, will be widened with improved visibility splays created to the east. A new shared driveway will be provided within the site which will give access to a total of 10 No. car parking bays.

The site will be enclosed on its southern boundary with a new Beech and Hornbeam mixed hedge and mature deciduous trees. A new stone wall will be provided on the western boundary with a 2m high screen wall along the southern boundary of the re–defined curtilage for Chestnut Tree Cottage.

PLANNING HISTORY

None recent.

CONSULTATIONS

Penllyn Community Council – Comments on initial submission:

“Objection – Having visited the site and considered the plans accompanying the application, Members feel that the occupier of the adjacent property, “Little Acre”, would be adversely affected by this development insofar as their ground floor windows would be overlooked by the first floor of the proposed new dwelling. A sectional drawing would illustrate the relativity between “Little Acre” and the proposed development, and Members feel that this should be requested. In addition, a site visit by Members of the Planning Committee may well be appropriate in this case as, in addition to the loss of privacy identified above, there are highway and traffic considerations associated with this proposal. The site adjoins a very minor, narrow lane and additional entrances may be hazardous.

Members are aware that strong and detailed representations have been made by neighbours, and concur with the views expressed therein.

Comments on amended details:

Objection – Members feel that the amendments made are relatively minor and that the proposal still constitutes an unacceptable visual intrusion/overlooking of “Little Acre” with resulting loss of privacy. Further, the intensification of traffic in this restricted area would introduce a new hazard to an already dangerous location.”

Environment Agency – Comment as follows:

“It is noted that the applicant intends to dispose of foul effluent to a private means of foul drainage (new septic tank). However, from analysis of plans the site may be either within a sewered area or in close proximity to the public foul sewer. As you are aware, the first presumption must always be to provide a system of foul drainage discharging into the public foul sewer in accordance with the guidance contained within Welsh Office Circular 10/99. The applicant must therefore investigate a possible connection to the public foul sewer; in this regard, consultation with the sewerage undertaker (Network Development Consultants on behalf of Dwr Cymru/Welsh Water) is strongly recommended. The sewerage undertaker will need to ensure not only the availability of the public foul sewer but also that sufficient capacity exists within the receiving infrastructure to accept foul drainage from the proposed dwelling. Where capacity does not exist, the Agency would recommend that the application be considered as premature.

Proposals to provide private means of foul drainage are subject to the provisions of Welsh Office Circular 10/99 and may also require formal consent from the Agency under the Water Resources Act 1991. It should be noted that the provision of private foul drainage within a sewered area, even as a temporary measure (i.e. pending connection to the public foul sewer) is contrary to Environment Agency policy and therefore could be considered as unacceptable. Such proposals would also conflict with the requirements of Planning Policy Wales (March 2002), Welsh Office Circular 10/99 and, it is understood, the current Building Regulations (Part H) implemented April, 2002. In consideration of these latter aspects in particular, such proposals would also be deemed unacceptable.”

Dwr Cymru/Welsh Water – Comments on initial scheme:

“As the applicant intends utilizing private drainage facilities, we, as Network Development Consultants on behalf of Dwr Cymru/Welsh Water, have no comment to make on the above Planning Applications. 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.”

Comments on revised proposal awaited.

Glamorgan Gwent Archaeological Trust – No objection.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 2nd November, 2005 and re–notified on 2nd February and 14th March, 2006. In addition, a site notice was posted on 4th November, 2005.

Letters of objection have been submitted by the occupiers of Llwynceilyn, Little Acre, Stepping Stones, Gwanwyn and White Cottage, Graig Penllyn and Rosevine Cottage, Trefynwy and Vistla Farm, Penllyn. Whilst all of the representations are available on file for Committee Members’ inspection, the letter from the occupiers of “Little Acre” and Rosevine Cottage are reproduced at Appendix A as being generally indicative of the points raised. In summary, these include:

- Over–development with lack of amenity/parking space.
- Visual impact on surrounding countryside.
- Vehicular access.
- Loss of privacy.
- Loss of Light.
- Loss of trees and drainage.

The applicants’ agent has submitted a letter and planning statement in support of the proposal which is reproduced at Appendix B.

REPORT

The following policy background is relevant to the consideration of the application:

The site is located on the eastern edge of the village of Graig Penllyn and within the residential settlement boundary as defined in the adopted Vale of Glamorgan Unitary Development Plan 2005. Policy HOUS2 allows for housing infill, small scale development and redevelopment within the settlement boundary of Graig Penllyn, subject to the residential development criteria listed in Policy HOUS9. These are:

- (1) The scale, form and character of the proposed development is sympathetic to the environs of the site.
- (2) The proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments of noise, traffic congestion, exacerbation of parking problems or visual intrusion.
- (3) The proposal does not have an unacceptable impact on good quality agricultural land (Grades 1, 2 and 3A), on areas of attractive landscape or high quality townscape or on areas of historical, archaeological or ecological importance.
- (4) When appropriate and feasible the provisions of Policy REC3 are met.
- (5) The provision of car parking and amenity space is in accordance with the Council's approved guidelines.
- (6) Adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

Policy HOUS12 of the Unitary Development Plan refers to residential privacy and space and states:

"Existing areas characterised by high standards of privacy and spaciousness will be protected against over-development and insensitive or inappropriate infilling."

Policy ENV25 relates to the design of new developments 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.

The site is also located just outside of the Upper Thaw Valley Special Landscape Area as defined in Policy ENVXXX of the Unitary Development Plan. The Policy states:

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.

In addition to the above Policies, the Council also has adopted Supplementary Planning Guidance. The Supplementary Planning Guidance on Amenity Standards contains Policies not simply on the level of amenity space provision, but also its quality and covers other issues including privacy, overshadowing and visual amenity. Policy 3 for example, 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.”

National guidance is contained within Planning Policy Wales March, 2002. Paragraph 9.3.4 states:

“In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area’s character and amenity.”

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

The proposal entails the construction of 2 No. detached houses within the garden of an existing small scale cottage. The proposed new houses are of a much larger scale than the existing cottage and take up the greater part of the garden curtilage. The applicant’s agent’s Planning Statement identifies that the required level of amenity space is provided within the site, however, there is no consideration given to the quality of this space which is a requirement of the Council’s Supplementary Planning Guidance. Policy 2 of the Supplementary Planning Guidance states that the Council will ensure that usable, adequate and appropriate private amenity space is provided as part of residential development. The site is not a level one and the land rises both from the existing Chestnut Tree Cottage and from the western boundary with “Little Acre” and “Stepping Stones”. This results in a large part of the amenity space provision, particularly in respect of the existing cottage, being of little practicable use. Indeed, the remaining garden for the existing cottage will be severely reduced in both size and quality.

In order to accommodate two new dwellings on the site, Plot 1 is sited to the rear of the land in proximity to the neighbouring houses “Little Acre” and “Stepping Stones”. It is considered that due to the differences in levels, whilst the proposal may not result in directly overlooking windows, nevertheless, the height and proximity of the proposed house, along with the proposed car parking bays, will all serve to detract from the current level of residential amenities enjoyed by those occupiers.

The density and form of the proposal bears little relationship to the surrounding pattern of development. The proposed layout sets one new house behind the other and entails significant new work including the shared access drive, hard surfacing for parking bays and retaining walls. As already noted, the proposal will severely reduce the garden curtilage to the existing cottage. It is considered that not only will this affect the privacy and spaciousness of that property but also result in the loss of its existing detached garaging facilities. Thus it is considered that the proposal is contrary to Policy HOUS12 as it represents an insensitive and inappropriate over-development of the site.

Indeed, rather than working within the landscape, as the submitted Planning Statement contends, it is considered that the proposal appears as a cramped and contrived form of development. The application site currently provides a "soft" edge to the village boundaries. The rising land blends in to the surrounding rural landscape and it is considered that the site is closely related in character to the Special Landscape Area of the Upper Thaw Valley located on the opposite side of the highway and stretching south and east from the property. The introduction of the new houses, with the associated access and parking on this prominent hillside, will seriously detract from the rural character of the area. The provision of the required upgraded access, with increased visibility splays, will also contribute to the complete urbanisation of the site.

On the issue of highways, it is noted that the Council's Highway Engineer initially raised a highway objection to the proposal on the grounds that the access was substandard in terms of visibility and width and car parking provision was insufficient. The applicant has subsequently submitted amended details which show an increase in the access width and car parking provision, plus upgraded visibility splays. The Council's Highway Engineer has advised that following the receipt of further amendments he is unable to sustain an objection to the development, subject to conditions relating to the provision of the improved visibility splays plus the car parks; and manoeuvring areas indicted on Drawing No. A501-Rev C.

With regard to matters of infrastructure, it is noted that the Environment Agency have indicated that connection to a new septic tank is not acceptable. The applicant has subsequently amended the scheme confirming connection to the public sewer. Dwr Cymru/Welsh Water have therefore been re-notified and their comments are awaited.

In conclusion, it is considered that the proposal represents an insensitive over-development that pays no regard to the context of the site and this will have a significant detrimental impact on the surrounding rural character, particularly the Upper Thaw Valley Special Landscape Area and the residential amenities of neighbouring occupiers, all contrary to Council Policy and National Guidance.

In view of the above, the following recommendation is made.

04288

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. In the opinion of the Local Planning Authority, the proposal represents a cramped and contrived over-development of the site that will significantly detract from the character of the surrounding rural landscape, including the Upper Thaw Valley Special Landscape Area and adversely affect the general residential amenities of neighbouring occupiers, including the future occupiers of the existing Chestnut Tree Cottage, all contrary to Policies HOUS2, HOUS9, HOUS12, ENV25 and ENVXXX (Special Landscape Areas) of the adopted Vale of Glamorgan Unitary Development Plan 2005; Supplementary Planning Guidance on Amenity Standards; and National Guidance contained in Planning Policy Wales March, 2002.

Copthorne Hotel, Copthorne Way, Culverhouse Cross, Cardiff. CF5 6DH
(Mrs. Orla Watt, Copthorne Hotel, Copthorne Way, Culverhouse Cross, Cardiff.
CF5 6DH)

COPTHORNE HOTEL, COPTHORNE WAY, CULVERHOUSE CROSS

Erection of 1.8 metre high timber perimeter fence approximately 210 metres in length

SITE DESCRIPTION

The application relates to the Copthorne Hotel site at Culverhouse Cross.

DESCRIPTION OF DEVELOPMENT

A full application for the retention of a 210 metre length of 1.6 metre high close-boarded timber fence on the northern and eastern boundaries of the site.

PLANNING HISTORY

None directly relevant.

CONSULTATIONS

Wenvoe Community Council – Support the application provided the fencing is maintained to a high standard.

REPRESENTATIONS

The application was advertised on site on 5th January, 2006. No comments have been received.

The applications have forwarded a letter in support of their application, and this is attached at Appendix A to this report.

REPORT

The fence, which has already been constructed, encloses the eastern and northern boundaries of the hotel site, which were previously open-plan with landscaped mounds around a lake. The applicants state that the decision to construct the fence was taken after a risk assessment of the site identified a risk to public safety of unimpeded access to the lake.

The fence is constructed on the perimeter of the hotel site, outside the various landscaped areas and is fully visible for its whole length from the A4050 Port Road and from the A48 leading west from the roundabout. The fence is very prominent and whilst it would be likely to become less intrusive as the timber weathers, it is considered that the fence is a major visual intrusion into the area, which forms a gateway into the Vale of Glamorgan and where developers have been encouraged to use maintained hedgerows and tree planting within verges to reflect the character of the surrounding landscape and create visual links to the countryside.

The degree of visual harm is such that the proposal would be contrary to the objectives of Policy ENV25 (Design of New Developments) of the adopted Vale of Glamorgan Unitary Development Plan 2005, which seeks to ensure that new development must have full regard to the context of the local natural and built environment and its special features. Regard has also been paid to the Culverhouse Cross Design Study.

At the time of the case officer's site inspection, it was noted that several vertical boards were missing and the applicants have confirmed verbally that this was the result of vandalism. Although they have given an assurance that damage will be repaired promptly, the extent of missing panels at such an early date after the erection of the fence does not indicate a strong commitment to its long-term maintenance. The fence appears unattractive along this otherwise well established landscape frontage onto a primary road.

The Council's highway engineers have carried out a detailed survey of the location of the fence, which shows that for most of its length it has been constructed within the boundary of the adopted highway, by as much as 5-metres in places. The separate consent of the Council as Highway Authority to carry out works on the highway has not been sought and the highway engineers advise that the grassed areas and verges forming part of the adopted highway in this area are required for services, statutory undertakers' equipment, signs and vision splays. However, in this particular instance, given the location of the fence relative to the highway, the fence does not appear to impinge on vision splays.

It is concluded that the location and appearance of the fence are such that planning permission should be refused on grounds of visual impact and that its impact is such that action should be taken to secure its removal. Whilst the need for increased security of the site is recognised, it is considered that a less obtrusive solution could be achieved by setting a fence further back into the site, accompanied by additional external landscaping, but as the fence exists on site, the following recommendations are made:

04292

RECOMMENDATION (W.R.)

- (1) In the event of Planning Committee accepting the recommendation to refuse planning permission, 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 the removal of the fence and all supporting posts from the site.
- (2) That planning permission be refused for the following reason:

REFUSE

Reason(s):

1. The development, by virtue of its location, design and materials, forms a visually intrusive and incongruous feature that fails to complement or enhance the local character of buildings and open spaces and would be detrimental to the visual amenity of the area, contrary to the objectives of Policy ENV25 (Design of New Development) of the adopted Vale of Glamorgan Unitary Development Plan 2005.

John Guy, Llantwit Major A.F.C., 9, Fairfield Close, Llantwit Major, Vale of Glam.
CF61 2XL
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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 ten 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.

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 adopted Vale of Glamorgan 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.

04294

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The planning permission hereby granted shall relate to the amended plan reference LM 001 A, received by the Local Planning Authority on 21st February, 2006.

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.
4. Prior to the beneficial use of the stand hereby approved, the stand shall be secured with locked 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 roller shutters shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.
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(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. In the interests of visual amenities.
4. In order to secure the building and to prevent the potential for crime and anti-social behaviour.
5. 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.

Mr M.H.R. Reynolds, Beauville Farm, Wenvoe, Vale of Glamorgan. CF5 6BD
(Philip Griffiths - Architect, 3, St. Johns Close, Cefn Coed, Merthyr Tydfil. CF48
2PE)

LAND AT GILBERT LANE, DINAS POWYS

Proposed Farmhouse with garage

SITE DESCRIPTION

The application site relates to land to the rear of two existing agricultural buildings, comprising existing agricultural land of some 0.22 hectares in area. The application site is accessed by a single agricultural gate from Gilbert Lane, which links the A4231 Barry Docks Link Road with the Westra and Dinas Powys.

The application site itself is located some 300 metres to the east of the A4231 Barry Docks Link Road, on the eastern edge of Barry. The site is located in a highly visible and prominent location within the countryside overlooking Sully.

The existing yard is located to the north of the application site, comprising two 18m x 9m covered cattle sheds and an open yard of 30m x 18m.

DESCRIPTION OF DEVELOPMENT

Following approval of application reference 05/01238/FUL to provide a temporary form of accommodation, the applicant has submitted a further application for the construction of an agricultural dwelling similar to those previously refused under applications reference 05/0057/OUT and 04/00350/OUT.

This outline application is for the same form of development as previously refused, with all matters reserved for subsequent detailed approval. Whilst all matters have been reserved for subsequent approval, the submitted plans indicate the siting of a dwelling which would have a footprint of 18 metres long by a width of 5 metres. The dwelling is shown to have a curtilage 24m deep by a maximum width of 38m and will be accessed by a 40m private drive from Gilbert Lane.

In support of the application an updated report has been submitted detailing the existing holding in terms of land, buildings, crops and stock, staffing etc., at the existing holding.

PLANNING HISTORY

05/01238/FUL - Proposed temporary accommodation. Application approved on 20th October, 2005, subject to conditions.

05/00057/OUT - Proposed farmhouse with garage. Application refused on 9th June, 2005 for the following reason:

“1. The applicant has failed to demonstrate an essential need for the proposed permanent agricultural dwelling and therefore the proposal relates to unjustified residential development in the countryside. The proposal would also cause serious harm due to the prominent and elevated siting of the proposed dwelling and visibility from the Public Footpath. As such the proposed development is considered contrary to Policies ENV1 (Development in the countryside), HOUS3 (Dwellings in the countryside), and HOUS5 (Agricultural or Forestry Dwellings) of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the advice given in Planning Policy Wales (March 2002).”

04/00350/OUT - Proposed farmhouse with garage. Application refused on 11th November, 2004 for the following reasons:

- “1. The applicant has failed to demonstrate an essential need for the proposed agricultural dwelling and therefore the proposal relates to unjustified residential development in the countryside. The proposal would also cause serious harm due to the prominent and elevated siting of the proposed dwelling and visibility from the Public Footpath. As such the proposed development is considered contrary to Policies EV3 and H10 of the approved South Glamorgan Structure Plan (Proposals for Alterations No. 1) 1989 and Policies ENV1, HOUS3 and HOUS5 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) and the advice given in Planning Policy Wales (March 2002).
2. The proposal would result in the intensification of the use of an existing narrow single track lane and substandard field access which lacks adequate visibility to serve the proposed development and would create traffic hazards to the detriment of highway and public safety, contrary to the objectives of Policies HOUS5 and ENV25 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003).”

03/01056/PNA - Extension to barn/storage. Prior approval not required 21st August, 2003.

CONSULTATIONS

Dinas Powys Community Council - Was consulted and have raised no objection the application.

The Head of Visible Services (Highways) - Was consulted and has stated that it is considered that the proposed dwelling will be associated with the existing farming activities on the development site. Additionally, it is noted that under planning application reference 05/01238/FUL, planning consent was granted for the siting of a residential caravan also to be used in association with the existing farming activities on the site.

Therefore, provided that the conditions requested in the highway observations dated 15th February, 2005 under planning application reference 05/00057/OUT are imposed on the current application, the Highway Authority are unable to sustain an objection to the above proposals.

The comments made in relation to previous application ref. 05/00057/OUT were to raise no objection in principle, subject to the applicant satisfying the following conditions:

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. The proposed access shall have a hard surface of concrete or bituminous material for a minimum distance of 6.0m from the highway boundary. This is to prevent loose material being dragged onto the public highway to the detriment of highway safety. Gates, if provided will be set back a minimum of 6.0m from the highway boundary.
3. Visibility splays of 2.4m x 30.0m 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.
4. No surface water from the site shall drain onto the adopted highway or into the Highway Authority drainage system. The applicant must make provision for the disposal of the surface water on site.
5. Soakaways and/or septic tanks shall be sited a minimum distance of 5.0m from the highway boundary. No herring bone drainage shall be laid within 5.0m of the public highway.

The Council's Agricultural Consultant has undertaken a revised appraisal in respect of the current application. In summary, he states that in his opinion there is sufficient evidence to satisfy the functional test. However, with regard to the financial test, whilst it is accepted that the enterprise has shown profits on the previous three years there remains a heavy reliance on subsidy to sustain the enterprise and its ability to support a full time farm worker. He therefore considers that a high degree of certainty is required that the enterprise can be sustained and whilst it would be reasonable to assume that a sustainable enterprise would show sufficient and consistent profits over each year, this has not been shown. Therefore he has stated that a temporary form of accommodation is appropriate whilst further financial sustainability of the enterprise is established. A copy of the report is attached in full as Appendix A.

Environment Agency - Was consulted and have made the following comments:

"A more suitable way to deal with the foul water may be, in this case, a septic tank with soakaway or the preferred option of installing a private package sewage treatment plant. The discharge from these systems may need a discharge consent from the Agency (consult with regulatory water quality). Ground conditions would have to be appropriate for a soakaway and porosity tests would need to be conducted. If the cess pit is the option selected, the applicant must ensure it is installed correctly, with no breaches or defects that would allow the escape of untreated sewage. A licensed waste carrier will need to be employed to remove the sewage waste. Refer to Environmental Agency pollution prevention guide (PPG) 4, downloadable from the website.

Therefore the applicant is requested to provide the Environment Agency with a preference for a cesspool/cesspit rather than a private sewage treatment plant.

The Agency's comments on private drainage systems are made only on the understanding that no public foul sewer is available to serve the development. Should this change then the Agency wishes that it should be reconsulted.

The following comments are for the developer:

This land lies within 250m of a known landfill site; the information the Agency holds on this is pre 1976, unauthorised tipping of unknown materials. The Local Authority may hold more information. The applicant is advised to make their own enquiries and ensure that their development will not disturb any contamination; there may be health issues in addition.

The site must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water."

Dwr Cymru/Welsh Water - Were consulted on the application and as the applicant intends to utilise private drainage facilities, they have no comments to make.

Glamorgan Gwent Archaeological Trust – Were consulted and have stated that there are no archaeological features in the area.

REPRESENTATIONS

A site notice was posted and to date no letters of representation have been received.

REPORT

Members of Committee will recall that application reference 05/01238/FUL for proposed temporary accommodation (static caravan) was approved by Planning Committee on 20th October, 2005, subject to conditions. The consent granted the siting of a static caravan to be occupied by a persons solely or mainly employed in the locality in agriculture, and was permitted for a temporary period, to be removed from the land on or before 1st November, 2008. Permission was granted as the applicant, whilst proving a functional need, could not prove a financial need. As such temporary form of accommodation was considered appropriate in order to allow the applicant to demonstrate long term financial viability and sustainability of the holding. Whilst the consent was approved on 20th October, 2005, to date the static caravan has not been sited on the holding.

The current application has been submitted to further demonstrate a need for an agricultural dwelling, providing further justification and evidence over the previous applications. Notably this application includes profit and loss accounts for the year ending October, 2005.

Assessment

The application site is clearly located within the countryside, well away from any settlement of any size, and as such the proposal must be judged against national guidance concerning the erection of new agricultural dwellings in the countryside. Planning Policy Wales (March 2002) states in paragraph 9.3.7 that the following matters, in particular, should be considered when determining planning applications for agricultural and forestry dwellings:

- A functional test to establish whether, for the proper functioning of the enterprise (in terms of both its current and likely future requirements), one or more workers needs to be readily available at most times; and
- A financial test to establish that the farming enterprise is economically viable, since if it is not, new permanent accommodation cannot be justified on agricultural grounds, and to provide evidence of the size of dwelling which the unit can sustain.

Furthermore, the following paragraphs are also of relevance:

(Para 9.3.8)It is important to establish that stated intentions to engage in agriculture or forestry are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period. If it is considered that a new dwelling will be essential to support a new farming activity, whether on a newly created agricultural unit or an established one, but the case is not completely proven, the dwelling should normally for the first three years be a caravan, or a wooden structure which can be easily dismantled, or other temporary accommodation. Temporary agricultural dwellings should satisfy normal planning requirements, for example on site and access, and will have to be removed at the end of the period for which the permission was granted. Local Planning Authorities should not grant temporary planning permissions in locations where they would not permit a permanent dwelling.

(Para. 9.3.9) Where the need to provide accommodation to enable farm or forestry workers to live at or near their place of work has been accepted as justifying isolated residential development in the open countryside, it will be necessary to ensure that the dwellings are kept available for this need. For this reason planning permission should be granted subject to an occupancy condition.

(Para. 9.3.10) Applications for agriculture and forestry dwellings will only be permitted if special justification is given to meet the functional and financial tests, and an occupancy condition applied.

In terms of the adopted Vale of Glamorgan Unitary Development Plan 2005, the relevant policy is HOUS5 (Agricultural and Forestry Dwellings), which states that the development of new dwellings beyond the identified settlement boundaries designated by Policy HOUS2 in association with agriculture or forestry, will be permitted if:

- (1) An essential need, based on a functional and where appropriate financial necessity is clearly demonstrated.

- (2) The scale, siting, design, landscape and external appearance of the proposed new dwelling is compatible with any existing related structures and the surrounding landscape; and
- (3) An acceptable access to the dwelling can be provided.

If these criteria are met a condition will be imposed on all new agriculture/forestry dwellings limiting the occupation of the dwelling to a person solely, or mainly, working, or last working in the locality, in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry or a widow or widower of such a person, and to any resident dependants.

As stated above a revised appraisal has been undertaken by the Agricultural Consultant on the basis of the additional accounts submitted. Such an assessment is made of the existing holding and the enterprise carried out at the holding as to whether the operation of that holding would be of a sufficient size to fully employ a farm worker. Such an assessment is based on a functional and financial test.

Existing Enterprise

The applicant runs 50 organic suckler cows, one bull and their progeny. There are no other livestock and this level of stock is largely equal to the pattern of farming over the last couple of years. The land is used for grazing and forage, the silage baling and wrapping being carried out by contractors.

Only some of the suckler cows are calved indoors. Calving in the field would have to be discounted in any assessment of need that would be satisfied by any dwelling. Approximately 60-70% of the cows were calved at the yard during 2005.

Mr. Reynolds works in a bank for one day per week and carries out all management on the holding himself. No man-hour calculations have been provided and net worth is not a pertinent statistic for this appraisal. According to standard statistics however, the labour requirement for the existing enterprise *could* be sufficient to fully employ a farm worker.

Functional Test

The functional test is required to show that there is a proven agricultural need for a farm worker to be present on site most times out of necessity. In this case, standard statistics support that there is sufficient evidence to demonstrate that there is sufficient labour requirement to fully employ a farm worker and that a need exists for attendance to calving and animal husbandry at the yard and that the need would be met in full by a worker being on site.

The secure holding can support all the existing stock and progeny up to a certain age and it is reasonable to assume that the enterprise can be sustained by management of either stock sales, or additional seasonal land rental (as exists now) and therefore we are satisfied that the holding can support the existing stock. here is sufficient evidence to show that the need is sufficient to require such a farm worker to be on site at most times out of necessity.

Therefore, there is sufficient evidence as in the previous applications, of a proven need to satisfy the functional test.

Financial Test

Accounts have been submitted and it can be accepted that the enterprise has shown profits in the previous three years, but there was a pattern of retaining stock through part of that enterprise pattern and the profit was largely from unsustainable reliance on subsidy payments. In 2005, the balance was restored, but nonetheless, less than half of the income was from sales of stock and sales were higher than normal because of the retention the year before. There remains a heavy reliance on subsidy to sustain the enterprise and its ability to support a full time farm worker.

In summary, the agricultural consultant is of the view that the enterprise remains on the cusp. He states that a small fluctuation in the market, a minor drop in the subsidy, a lower than expected yield, a small increase in production costs, or any other downward annual adjustment so typical of the farming cycle could prove critical to the future of the business and therefore to its ability to support a full time farm worker. The fact that the applicant works elsewhere for part of the week supports the statistical fact that despite the length of time it has been operating, as a full time farm, requiring a full time worker, this business remains in its infancy.

There are no plans to expand, no evidence which supports the premise that an expansion is reasonably likely to materialise, but it is noted that the enterprise has been running for a number of years and it is perfectly possible that it will be sustained for many years yet, but a higher degree of certainty is required for the test and this is not evident in the supporting documents.

In his conclusion the consultant is of the view that it is reasonable to assume that a sustainable enterprise would show sufficient and consistent profits each year over a consecutive three year period to support a full time farm worker, to date this has not been shown. He therefore concludes, as in applications reference 04/00350/OUT and 05/01238/FUL, that there is justification to permit the siting of a caravan for a temporary during which time the applicant would have the opportunity to demonstrate long term sustainability and viability of the holding in order to satisfy the financial test.

Therefore given that the proposal is still not considered justified under the terms of Policy HOUS5, the proposal therefore relates to the construction of a new dwelling in the countryside where there is no proven agricultural justification. Accordingly Policy ENV1 is relevant as contained within the above referenced adopted Unitary Development Plan. This policy relates to development within the countryside and 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.”

It should be noted that Policy HOUS2 identifies urban and rural settlements within which infill, small-scale development and redevelopment will be permitted, or small-scale rounding off considered. However, the application site is located well outside any such defined settlement.

Criterion 2 of Policy HOUS5 above relates to the scale, siting, design, landscape and external appearance of the proposed new dwelling being compatible with any existing related structures and the surrounding landscape. As considered in the previous application, whilst this application has been submitted in outline with all matters reserved, the dwelling would be sited in a relatively prominent location with panoramic views southwards. Furthermore, Public Footpath No. 35 would cross part of the application site and therefore the proposal would be highly visible from the footpath and the surrounding countryside, which would result in significant harm to the rural and landscape character of the surrounding area.

With regard to the provision of an acceptable access to the dwelling, the comments received from the Head of Visible Services (Highways) are noted. Whilst no objection has been raised subject to a satisfactory turning facility and parking provision, improvements to the access including visibility splays of 2.4m x 30.0m in both directions are required to be provided. Members will recall that the same comments were made in respect of application ref. 05/01238/FUL, however it was resolved that the actual level of traffic generation to and from the holding would probably be reduced if the applicant were resident within the holding, as opposed to travelling to and from the holding. As such it was not considered reasonable to require the provision of visibility splays of 2.4m x 30.0m in both directions, which would result in the removal of substantial lengths of hedgerow, which itself would be detrimental to the rural character of the area.

In conclusion, both national and local planning policy seeks to presume against the construction of new dwellings in the countryside unless they can be justified as being essential in relation to agriculture and forestry. In the case of this application, the additional information submitted by the applicant in relation to the enterprise still fails to demonstrate an essential agricultural need for the permanent new dwelling. The proposed new dwelling would therefore breach and undermine policies which seek to guard against unacceptable and unjustified development in the countryside and the following recommendation is therefore made.

04291

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The applicant has failed to demonstrate an essential need for the proposed permanent agricultural dwelling and therefore the proposal relates to unjustified residential development in the countryside. The proposal would also cause serious harm due to the prominent and elevated siting of the proposed dwelling and visibility from a public footpath. As such the proposed development is considered contrary to Policies ENV1 (Development in the Countryside), HOUS3 (Dwellings in the Countryside) and HOUS5 (Agriculture or Forestry Dwellings) of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the advice given in Planning Policy Wales (March 2002).